



**NOTICE AND AGENDA FOR REGULAR MEETING**

DATE/TIME: Wednesday, October 10, 2012, 1:30 PM

PLACE: Board of Supervisors Chambers  
651 Pine Street, Martinez, CA 94553

**NOTICE IS HEREBY GIVEN** that the Commission will hear and consider oral or written testimony presented by any affected agency or any interested person who wishes to appear. Proponents and opponents, or their representatives, are expected to attend the hearings. From time to time, the Chair may announce time limits and direct the focus of public comment for any given proposal.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by LAFCO to a majority of the members of the Commission less than 72 hours prior to that meeting will be available for public inspection in the office at 651 Pine Street, Six Floor, Martinez, CA, during normal business hours as well as at the LAFCO meeting.

All matters listed under CONSENT ITEMS are considered by the Commission to be routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the Commission or a member of the public prior to the time the Commission votes on the motion to adopt.

For agenda items not requiring a formal public hearing, the Chair will ask for public comments. For formal public hearings the Chair will announce the opening and closing of the public hearing.

If you wish to speak, please complete a speaker's card and approach the podium; speak clearly into the microphone, start by stating your name and address for the record.

**Campaign Contribution Disclosure**

If you are an applicant or an agent of an applicant on a matter to be heard by the Commission, and if you have made campaign contributions totaling \$250 or more to any Commissioner in the past 12 months, Government Code Section 84308 requires that you disclose the fact, either orally or in writing, for the official record of the proceedings.

**Notice of Intent to Waive Protest Proceedings**

In the case of annexations and detachments it is the intent of the Commission to waive subsequent protest and election proceedings provided that all of the owners of land located within the proposal area have consented and those agencies whose boundaries would be changed have consented to the waiver of protest proceedings.

**American Disabilities Act Compliance**

LAFCO will provide reasonable accommodations for persons with disabilities planning to attend meetings who contact the LAFCO office at least 24 hours before the meeting, at 925-335-1094. An assistive listening device is available upon advance request.

**As a courtesy, please silence your cell phones during the meeting.**

## October 10, 2012 CONTRA COSTA LAFCO AGENDA

1. Call to Order and Pledge of Allegiance
2. Roll Call
3. Adoption of Agenda
4. Public Comment Period (please observe a three-minute time limit):

Members of the public are invited to address the Commission regarding any item that is not scheduled for discussion as part of this Agenda. No action will be taken by the Commission at this meeting as a result of items presented at this time.

5. Approval of Minutes for the September 12, 2012 regular LAFCO meeting.

### SPHERE OF INFLUENCE/BOUNDARY CHANGES

6. *LAFCO 12-04 – Dougherty Valley Annexation #15 to the City of San Ramon* - the Commission will consider a proposal to annex 41.54+ acres located adjacent to Quail Ridge Elementary School.  
**Public Hearing [Hearing to be continued; Commission is requested to fix October 31, 2012 at 1:30 p.m.as date and time for Continued Public Hearing and call a Special LAFCO Meeting on said date]**

### MUNICIPAL SERVICE REVIEWS/SPHERE OF INFLUENCE UPDATES

7. *Public Review Draft – Library Services Municipal Service Review (MSR) and Sphere of Influence (SOI) Updates* - the Commission will receive the Public Review Draft Library Services MSR and provide direction to the project team.

### BUSINESS ITEMS

8. *Northeast Antioch* – the Commission will receive an update from the City of Antioch and Contra Costa County regarding the proposed annexation and strategic planning efforts for Northeast Antioch, and provide direction as appropriate.
9. *First Quarter Budget Report for FY 2012-13* – the Commission will receive the first quarter budget report for FY 2012-13.

### CORRESPONDENCE

10. Correspondence from Contra Costa County Employees’ Retirement Association (CCCERA)

### INFORMATIONAL ITEMS

11. Commissioner Comments and Announcements
12. Staff Announcements
  - CALAFCO Updates
  - Pending Projects
  - Newspaper Articles

### ADJOURNMENT

*Special LAFCO meeting – October 31, 2012 at 1:30 p.m.*

*Next regular LAFCO meeting – November 14, 2012 at 1:30 p.m.*

LAFCO STAFF REPORTS AVAILABLE AT [http://www.contracostalafco.org/meeting\\_archive.htm](http://www.contracostalafco.org/meeting_archive.htm)

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

September 12, 2012

Board of Supervisors Chambers  
Martinez, CA

October 10, 2012  
Agenda Item 5

1. Chair Don Tatzin called the meeting to order at 1:30 p.m.
2. The Pledge of Allegiance was recited.
3. Roll was called. A quorum was present of the following Commissioners:  
City Members Rob Schroder and Don Tatzin.  
County Members Mary Piepho and Alternate Candace Andersen. Federal Glover arrived at 1:50 p.m.  
Special District Members Michael McGill and Alternate George Schmidt.  
Public Members Don Blubaugh and Alternate Sharon Burke.  
Present were Executive Officer Lou Ann Teixeira, Legal Counsel Sharon Anderson, and Clerk Kate Sibley.
4. Approval of the Agenda  
The Chair asked that Agenda Items 8 and 9 be moved up to come before Items 6 and 7. Upon motion of Piepho, second by McGill, Commissioners unanimously adopted the agenda as amended.
5. Public Comments  
There were no public comments.
6. Approval of June 29, 2012 (Special) and August 8, 2012 (Regular) Meeting Minutes  
Upon motion of Blubaugh, second by Piepho, the minutes for the special meeting on June 29, 2012, and the regular meeting on August 8, 2012 were approved unanimously.
7. LAFCO 12-03 – San Damiano Annexation to East Bay Municipal Utility District (EBMUD) (Agenda Item No. 8)  
The Executive Officer provided an overview of the proposal, noting that Alameda LAFCO is the principal LAFCO but that Contra Costa LAFCO requested and received a transfer of jurisdiction from Alameda LAFCO to allow consideration of this boundary change, which corrects a boundary and mapping issue recently discovered by EBMUD staff.  
Upon motion of Blubaugh, second by McGill, Commissioners unanimously found the annexation exempt from CEQA pursuant to CEQA Guidelines Section 15319; approved the proposal to be known as San Damiano Annexation to East Bay Municipal Utility District as submitted, with specified conditions; determined that the territory being annexed is liable for the continuation of taxes, assessments and charges; found that the subject territory is uninhabited, has less than 100% consent of the affected landowners and is subject to a protest hearing; and authorized staff to conduct the protest proceedings.
8. Northeast Antioch Annexation Update (Agenda Item No. 9)  
Victor Carniglia, representing the City of Antioch, announced that they are making good progress on the annexation, and that the new environmental document, which was revised to respond to comments from West Coast Builders, is now finished and will be distributed soon. The City has met with GenOn, whose representatives have confirmed that the \$1 million benefit promised to both the City of Antioch and the County, will not be at risk over the delays. Mr. Carniglia estimates

DRAFT

that the first annexation application may be able to come before LAFCO in February of 2013. They have set a meeting of the subcommittee for Monday, October 1.

As a result of the retirement of Commissioner McNair from LAFCO, Commissioners were asked to consider appointing another Commissioner to the regular seat on this subcommittee. Upon motion of Piepho, second by Blubaugh, Commissioners unanimously appointed Commissioner McGill to the regular seat and Commissioner Schroder to the alternate seat. Commissioner Meadows retains his regular seat on this subcommittee.

9. LAFCO 11-05 – North Pacheco Annexation to City of Martinez

The Executive Officer reported the results of the August 28, 2012 special election. The official vote was 40 to 39 rejecting the annexation.

Upon motion of Piepho, second by Blubaugh, Commissioners unanimously authorized the Executive Officer to execute the Certificate of Termination for LAFCO 11-05.

10. LAFCO 11-07 – Alhambra Valley Annexation to City of Martinez (continued from July 11, 2012)

The Executive Officer reported that the Commission has been asked to consider two proposals, the original proposal as submitted by the City to annex 393± acres (139 parcels), and a reduced boundary option to annex 316± acres (104 parcels) as subsequently requested by the City. The reduced boundary is a subset of the original annexation boundary. The annexation area (both the original and the recent reduced boundary) is within the city's SOI, within the voter approved ULL, and adjacent to the city limits; has been rezoned to mirror the County General Plan; proposes no changes to fire, sewer or school services while providing municipal services including police, road maintenance, parks & recreation and other services following annexation; and will follow LAFCO recommendations to annex an area that already receives water from the City.

In the original annexation boundary, 112 of the 139 parcels signed deferred annexation agreements (DAAs) and 83 properties receive water service. In the reduced boundary, 99 of the 104 have DAAs and 82 properties receive water service. Boundaries for both annexations are irregular, as they are meant to include properties already receiving City water services as well as those subject to DAAs. Several residents within the annexation area have protested this application, and some have asked to be removed from the annexation area. If the annexation is approved, it is also recommended that the area be removed from County Service Area P-6.

Dina Tasini, representing the City of Martinez, responded to Commissioner Burke's question about water service rates and stated that the City does not charge non-residents different rates, but could do so. In response to the Chair's question, Ms. Tasini noted that Option 2, the reduced annexation boundary, is the City's preference.

Chair Tatzin opened the public hearing.

John Ricca, a landowner/voter in the annexation area, stated that he would be happy to pay more for water and stay out of the City. He commented on the legality of the Deferred Annexation Agreements (DAAs). He opposes the annexation.

Ernest Lompa, a landowner/voter in the annexation area, stated that he doesn't know anyone who wants to be annexed, and that everyone in the area should be allowed to vote on this. He is opposed to the annexation.

Hal Olson, President of the Alhambra Valley Improvement Association (AVIA), is not a resident of the annexation area, and recommended including only the subdivisions in the reduced boundary.

Cathe Cracknell, landowner in the annexation area, identified herself as a founding member of Protect Our Right to Vote, stated that she had never signed anything like a DAA, and vowed to

collect protests from 25% of those who did not sign DAAs. She is opposed to the annexation. Ms. Cracknell responded to questions from several Commissioners regarding disclosure of the DAA on the title and real estate documents.

Ken Bick, landowner outside of the annexation area, signed a DAA and had to have a 1-inch meter installed; is now being charged commercial rates due to the size of the meter. He asked that the annexation be denied.

Tim Millette, landowner/voter in the annexation area, stated that the problem is the process, and that the area has been gerrymandered by the City. Mr. Millette also stated that HRC Developers, the original signator on the DAA for his property, did not own that property at the time. He is opposed to the annexation. Commissioners McGill and Piepho commented on the DAAs and provision of water service.

Anita Guadarrama, who lives on Alhambra Valley Road, is against the annexation, stated that she feels "captured" by this action, and will not go willingly.

Jim Hein, whose property is outside the Urban Limit Line and is not included in the annexation area, urged that everyone be allowed to vote on this issue.

John Donkonics, landowner in the annexation area who developed the Deer Creek subdivision, signed a DAA for the first of his three subdivisions but not for the subsequent two.

Marie Olson, Secretary of the AVIA, stated that she knows all of the DAAs, and that the bottom line is the protest votes. She is pleased to hear that Cathe Cracknell is forming a new protest group.

The public hearing was closed and discussion returned to the Commissioners.

Commissioner Piepho pointed out that it is important to clarify Government Code §56133 and its requirements in terms of out of agency service and anticipated later annexations. Staff provided comment.

The Executive Officer explained that in 2007-08, this LAFCO prepared a Water/Wastewater MSR and highlighted those agencies that should consider annexing areas outside of their boundaries that currently receive water or wastewater services. When questioned about DAAs, she responded that other LAFCOs have these; some even initiate them. The City of Martinez initiated DAAs in 1987; any out of agency service provided after 1994 should have come to LAFCO for approval.

Legal Counsel Anderson added that guidance from the State Attorney General is that DAAs run with the property; according to the AG, it is irrelevant whether a subsequent owner was informed of this.

Discussion ensued regarding the legalities of out of service agreements, DAAs, potential gerrymandering charges, range of factors LAFCO must consider in approving a boundary change, LAFCO protest proceedings, and LAFCO decisions made without providing an opportunity for residents to vote. Commissioner Glover commented on DAAs and encouraged the City to undertake marketing efforts. Commissioner Schroder assured those in attendance that the City of Martinez will not turn off the water to residents if the annexation fails.

Upon motion of McGill, second by Piepho, Commissioners approved Option 2, Approve reduced boundary as requested by the City, by roll call:

AYES: Blubaugh, McGill, Piepho, Schmidt, Schroder, Tatzin

NOES: Glover

ABSENT: Meadows (M)

**DRAFT**

11. Fire Service and Property Tax Revenue

The Executive Officer referred Commissioners to the new charts showing the cumulative impact of reduced assessed value and property tax, and information regarding the effect of redevelopment agency funding – under the old and new laws – on fire districts.

Bob Campbell, County Auditor-Controller, responded to Commissioners' questions relating to residuals, status of funding, and related issues. Mr. Campbell pointed out that it is difficult to predict the residuals that may come back to fire districts, which may be pending for as long as 20 years.

Upon motion of Piepho, second by McGill, Commissioners unanimously accepted the report.

12. Fourth Quarter Budget Report for FY 2011-12

The Executive Officer gave a brief overview of the final quarter budget report for Fiscal Year 2011-12, noting that both final expenses and revenues came in under budget. In August 2011, the Commission approved a budget adjustment and allocated funds from the Contingency Reserve to fund a special study relating to MDHCD. The cost of the study was approximately \$23,000. Staff noted that the available fund balance is used to offset local agency contributions each year.

Upon motion of Blubaugh, second by Piepho, Commissioners unanimously accepted the report.

13. Correspondence

There were no comments on the correspondence.

14. Commissioner Comments and Announcements

Commissioner McGill announced that he will be running unopposed for the special districts seat on the CALAFCO Board at the upcoming CALAFCO Annual Conference.

15. Staff Announcements and Pending Projects

The Executive Officer reminded Commissioners that CALAFCO will say good-bye to Bill Chiat, retiring CALAFCO Executive Director and welcome Pamela Miller, incoming Executive Director at the Annual Conference, October 3-5.

The meeting was adjourned at 3:32 p.m.

Final Minutes Approved by the Commission on October 10, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

By \_\_\_\_\_  
Executive Officer

**DRAFT**

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

October 10, 2012 (Agenda)

October 10, 2012  
Agenda Item 6

<u>LAFCO 12-04</u>	Dougherty Valley Annexation #15 to the City of San Ramon
<u>PROPONENT</u>	City Council of City of San Ramon, by resolution adopted June 26, 2012
<u>ACREAGE &amp; LOCATION</u>	Annexation #15 includes 41.54± acres (numerous parcels) and is located adjacent to Quail Run Elementary School. The annexation area includes 520 housing units (201 single-family housing units, 186 for-rent apartments, and 133 for-sale condominiums) and 4.86± acres designated for parks and recreation.
<u>PURPOSE</u>	Provide municipal services for the approved residential subdivision. The Commission will also consider the corresponding detachment of the subject territory from County Service Area (CSA) P-6.
<u>SYNOPSIS</u>	

This is the 15<sup>th</sup> in a series of planned annexations for the area known as “Dougherty Valley (DV)”. The DV project is being developed in phases through Contra Costa County.

Annexation of the project area to the City of San Ramon is required pursuant to the Dougherty Valley Settlement Agreement (DVSA), which in 1994 was endorsed by the County, cities of Danville and San Ramon, Windemere Ranch Partners and Shapell Industries. The annexations are to occur following recordation of final subdivision maps.

DISCUSSION

The Cortese Knox Hertzberg Act (CKH Act) sets forth factors that the Commission must consider in evaluating any proposed change of organization or reorganization as discussed below (Gov. Code §56668). In the Commission's review of these factors, no single factor is determinative. In reaching a decision, each factor is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI. The annexation area is within the City of San Ramon's SOI and within the City's Urban Growth Boundary and the countywide Urban Limit Line.

2. Land Use, Planning and Zoning - Present and Future:

The City of San Ramon's General Plan designates the area for Single Family Medium Density Residential and Parks. The City has rezoned the area for Planned Development and Parks and Recreation. Per the Contra Costa County General Plan and Dougherty Valley

Specific Plan (DVSP), the current and future land uses for the area include Multiple Family Low Density Residential and Parks and Recreation.

Surrounding land uses include residential and public/semi-public land to the east, west and north, and vacant land (under construction) to the south.

The current and proposed uses are consistent with the City's plan and rezoning designations. No changes in land uses are proposed.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

The DV project, as previously approved by the County, converts approximately 6,000 acres of farmland to urban uses and open space. Of the 6,000 acres that comprise the DVSP area, 2,000 acres have been mapped as "farmland of local importance" and the remaining 4,000 acres are mapped as grazing land. Through the 1992 DVSP and General Plan amendment, these lands were changed from "Agricultural Preserve" to "Agricultural Lands" and designated as P-1 (Planned Unit Development) to allow a mix of housing, school and community facilities, parks and open space areas.

Contra Costa County found that there were overriding considerations in support of adoption of the Specific Plan, despite the unavoidable impact to agricultural resources. With adoption of the DVSP in 1992, none of the project site was zoned for agricultural use, and there are no current Williamson Act Land Conservation Agreements within the project site.

The project would not convert farmland to non-agricultural uses as farmland does not currently exist in the DV area. Approval of the urban land uses designations for the area occurred in 1992, 1996 and 2002. According to the City, the project can be viewed as implementation of the already established specific plan and land use designations.

4. Topography, Natural Features and Drainage Basins:

The site consists of a complex series of major and minor ridges, rolling hills and a relatively flat valley, which drains to the south. There are no other significant natural boundaries affecting the proposal.

5. Population:

Currently, some of the 186 dwelling units (Valencia Apartments) are occupied; the remaining 201 single-family housing units and 133 for-sale condominium units are under construction, and some are occupied. Entitlements have been approved for the entire Phase 3 of Gale Ranch, a portion of the annexation area. The construction of the 520 housing units will result in an estimated population increase of approximately 1,498 persons (California State Dept. of Finance, January 1, 2012).

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In June 2008, ABAG released the Proposed Final Regional Housing Needs Allocation (RHNA) Plan for the period 2007-14. The City reports that its total RHNA for 2007-2014 is calculated at 3,463 units. Of that, 834 are market rate, and 2,629 are affordable (i.e., 740 moderate, 715 low and 1,174 very low).

It is a requirement of the Dougherty Valley Affordable Housing Program that 25% (2,748) of the 11,000 units in DV are affordable. DV Annexation #15 includes a total of 520 residential units, of which 186 for-rent apartments units (Valencia Apartments) are affordable. However, to date, the DV annexations have resulted in 2,416 affordable units. The Windemere phase, which is now complete, produced 1,290 units, and the Gale Ranch phase, which is not yet complete, has produced 1,126 affordable units. The housing units in Gale Ranch Phase 3 will be considered in the 2009-2014 San Ramon Housing Element.

7. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

In accordance with Government Code §56653, whenever a local agency submits an annexation application, the local agency must also submit a plan for providing services to the annexation area. The plan shall include all of the following information and any additional information required by LAFCO:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The City's "Plan for Providing Services Within the Affected Territory," as required by Government Code §56653, is on file in the LAFCO office. The level and range of services will be comparable to those currently provided within the City. The DVSA provides "Performance Standards" for services in the DV.

The area proposed for annexation will be developed with 520 residential housing units, and approximately five acres designated for park and recreation. The City will provide a range of municipal services, including police, library, recreation, flood control, public facilities maintenance, etc. Fire services will continue to be provided by the San Ramon Valley Fire Protection District (SRVFPD), water services will be provided by the Dublin San Ramon Services District (DSRSD), and sewer services will be provided by the Central Contra Costa Sanitary District (CCCSD).

**Fire Protection** – Fire and emergency medical services are, and will continue to be, provided by SRVFPD following annexation. The City's General Plan policies include service standards relating to response time (i.e. 4-5 minutes for emergency calls 90% of the time) and location of fire stations in proximity to developed areas (i.e., 1.5 miles to residential and non-residential development). Fire Station No. 30 is located approximately 1.05 miles from the annexation area, has primary responsibility for fire and emergency medical services. Fire Stations 34, 35 and 39 would respond as secondary and tertiary stations, and all are located

within 3.05 and 3.41 miles from the annexation area. The main roads (routes) to the annexation area are Bollinger Canyon Road, Dougherty Road, Stoneleaf Road, South Monarch Road, and Main Branch Road.

***Police Services*** – Law enforcement services are currently provided to the annexation area by the Contra Costa County Sheriff's Department. Upon annexation, police services will be provided by the City of San Ramon. The City's police department maintains a ratio of approximately 0.8 officers per 1,000 population in accordance with the City's adopted service standards for police services. The DVSA establishes the performance standards for police service in DV consistent with the City's General Plan, which include 3-5 minute response times (travel time) for emergency calls, and a 20 minute response time for all other calls which can be maintained 95 percent of the time. The City reports that completed development in the surrounding areas of DV is already within the service area for San Ramon police services; therefore, police service for the annexation area can meet the performance standard. No additional police officers are anticipated for the proposed annexation area.

***Streets and Roadways*** – The annexation area is served by a network of arterial roads (Bollinger Canyon Road, Dougherty Road, etc.), collector and local streets. In addition, public transit (bus) service is provided in the DV and annexation area, along with a bicycle and pedestrian network. The DVSA requires the developers to provide a transportation system (streets, roadways, bicycle, pedestrian, and transit services, etc.) as established by the DVSP.

***Parks and Recreation*** – The DVSA requires 6.5 acres of parkland per 1,000 residents, which is consistent with the City's General Plan. Upon build-out of DV, this performance standard will be met. The DVSP and DVSA establish a variety of park types throughout DV. To date, the developers of DV have provided 214+ acres of parkland, excluding the 4.86+ acres of parkland included with Annexation #15.

***Wastewater Services*** – Wastewater services to the annexation area will be provided by CCCSD, which is responsible for wastewater collection, maintenance of the sewer lines, wastewater treatment and disposal services.

CCCSD currently serves an estimated population of 322,000 residents in a 144-square-mile service area. CCCSD's wastewater collection system consists of 1,500 miles of sewer mains with 18 pump stations. The majority of CCCSD's system operates with gravity flow with some pumping stations and force mains.

CCCSD's wastewater treatment plant provides secondary level treatment for an average dry weather flow of approximately 34.3 million gallons per day (mgd) of wastewater. The wastewater treatment plant has a permitted discharge limit of 53.8 mgd and a treatment capacity of 240 mgd of wet weather flow.

CCCSD provides sewage collection, treatment, and disposal service to the Dougherty Valley, including the annexation area.

Within the annexation area, wastewater facilities include several existing 8-inch sanitary sewer mains which ultimately connect to a 16-inch diameter trunk sewer at Stoneleaf Road. The trunk sewer leads to the Dougherty Tunnel, the San Ramon Pumping Station, and eventually to gravity sewers that carry flows north to CCCSD's wastewater treatment plant. Some of CCCSD downstream facilities do not have adequate flow-carrying capacity under CCCSD's current design criteria for ultimate conditions.

Planned development of DV Annexation #15 requires a private developer-constructed, gravity-flow system of 8-inch diameter mains and 4-inch diameter service laterals within area streets and driveways. Once constructed as private-installer projects, the new public mains will be dedicated to CCCSD for ownership and maintenance responsibilities. Some of the sanitary mains within the multiple-family developments may be kept private with homeowners associations being responsible for ownership and maintenance.

Based on average wastewater generation rates [i.e., 195 gallons per day (gpd) per single-family dwelling unit, 150 gpd per multiple-family dwelling unit, and 40 gpd per 1,000 sq. ft. of park], the proposed 520 dwelling units and parkland will generate approximately 95,500 gallons of wastewater per day (0.1 mgd).

The sewer lines in the vicinity of the project site have, or will have, adequate capacity to serve the proposed project, and the CCCSD wastewater treatment plant has adequate capacity to treat wastewater generated by the proposed project. The plant currently operates below permitted treatment capacity and the project-related increases in wastewater flows to the plant could be accommodated within the plant's existing capacity. Improvements to correct the downstream deficiencies that would result from cumulative impacts within the service area are, or will be, included in CCCSD's Capital Improvement Plan. Improvements to CCCSD's existing facilities that are required as a result of new development will be funded from applicable CCCSD fees and charges. The developer will be required to pay these fees and charges at the time project residences connect to the sewer system.

***Other Services*** – Capital improvements for this project are being funded through the developers as a condition of development. The ongoing maintenance and operations costs associated with police services, road maintenance, parks and landscape maintenance, open space and trail maintenance, flood control, and community facilities maintenance will be financed through CSA M-29. CSA M-29 was established in 1997 and includes a combination of revenue sources as follows:

- General Ad-Valorem Property Taxes
- Real Property Transfer Tax
- Special Assessments
- Sales Tax
- Fines and Forfeitures
- License, Permits, Franchise Fees
- Motor Vehicle In-Lieu Fees

Pursuant to the DVSA, the City requests the DV Annexation #15 territory remain within CSA M-29 in order to continue the assessment of the special taxes/fees to fund services as described above.

Typically when an area is annexed to a city, it is detached from a CSA, as the County no longer provides service, and the city assumes the provision of municipal services. The City's request that the annexation area remain in CSA M-29 is supported by the DVSA. However, it is recommended that if the annexation is approved, the subject territory be detached from CSA P-6 (police services). The effect of the detachment will result in the CSA's allocation of ad valorem property tax (1%) being transferred from the County to the City following annexation. (Note: Under previous law, once property was annexed to a city it was

automatically detached from a CSA; however, a recent change to the law now requires LAFCO to specify whether or not the annexation area is to be detached from a CSA).

The City and County have entered into a tax sharing agreement which provides for an exchange of property tax and takes into account the provision of municipal services.

8. Timely Availability of Water and Related Issues:

Pursuant to the CKH Act, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. In accordance with Contra Costa LAFCO policies, any proposal for a change of organization that includes the provision of water service shall provide information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

A number of studies were completed to address the timely and adequate provision of water service to the DV. This information is presented in the various environmental documents, which were previously provided to the Commission and are available in the LAFCO office.

Dublin San Ramon Services District (DSRSD) will provide water service to the annexation area and provides water service to the entire DV with the exception of Gale Ranch Phase 1. Gale Ranch Phase 1 water service is provided by East Bay Municipal Utility District.

The water demand for the annexation area will be 182,000 gallons per day. DSRSD has the capacity to provide services consistent with its adopted water service plans.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 66405. The assessed value is \$88,835,076 (2012-13 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies, if applicable; and shall remain within CSA M-29 following annexation.

10. Environmental Impact of the Proposal:

Contra Costa County was the lead agency and prepared and certified the following environmental documents in conjunction with this project: Addendum to the Dougherty Valley Draft Environmental Impact Report (DEIR) entitled "Gale Ranch Phase 3 Final Development Plan & Vesting Tentative Subdivision Maps Dougherty Valley Specific Plan" – October 2003; Final Subsequent EIR – 1996; and the Final EIR for the Dougherty Valley General Plan Amendment and Specific Plan - 1992.

In addition, the County adopted a Mitigation Monitoring and Reporting Program in 1992, and Findings, Recommendations and a Statement of Overriding Conditions in 1996. Copies of these documents were previously provided to the members of Commission and are available for review in the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are more than 12 registered voters in the area proposed for annexation; thus, the area is considered inhabited.

Less than 100% of the affected landowners/voters have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as protest

proceedings. All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area have received notice of the October 10 hearing.

As of this writing, LAFCO has received no objection from any affected landowner or registered voter. If no objection is received from an affected party prior to the conclusion of the hearing on October 10, the Commission may waive the protest proceedings. However, if any objection is received at any time prior to or during the hearing, then a protest hearing is required (Gov. Code Section 56663).

12. Boundaries and Lines of Assessment:

Annexation area #15 is contiguous to existing City boundaries. A map and legal description to implement the proposed boundary change have been received and are being reviewed by the County Surveyor.

13. One of the factors LAFCO must consider in its review of an application is the extent to which the proposal will promote environmental justice. As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following options:

**Option 1** Approve the reorganization including the amendment to detach the annexation area from CSAs P-6.

- A. Certify LAFCO has reviewed and considered the information contained in the EIR as certified by the County together with the related Mitigation Monitoring and Reporting Program; and adopt the County's CEQA Findings and Statement of Overriding Conditions as prepared and adopted by the County.
- B. Adopt this report and approve the proposal, to be known as **Dougherty Valley Reorganization #15: Annexation to the City of San Ramon and Corresponding Detachment from CSA P-6** subject to the following terms and conditions:
  - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
  - 2. Allow the overlap of the City and CSA M-29.
  - 3. The City has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is inhabited and that the annexing agency has consented to waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have consented to the annexation. Should LAFCO receive any objection to the annexation from an affected party prior to or

during the public hearing, then a subsequent protest hearing is required. Should no protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

**Option 2**

- A. Certify it has reviewed and considered the information contained in the EIR and related environmental documents as prepared and certified by the County.
- B. Adopt this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDED ACTION:**

Approve Option 1.

---

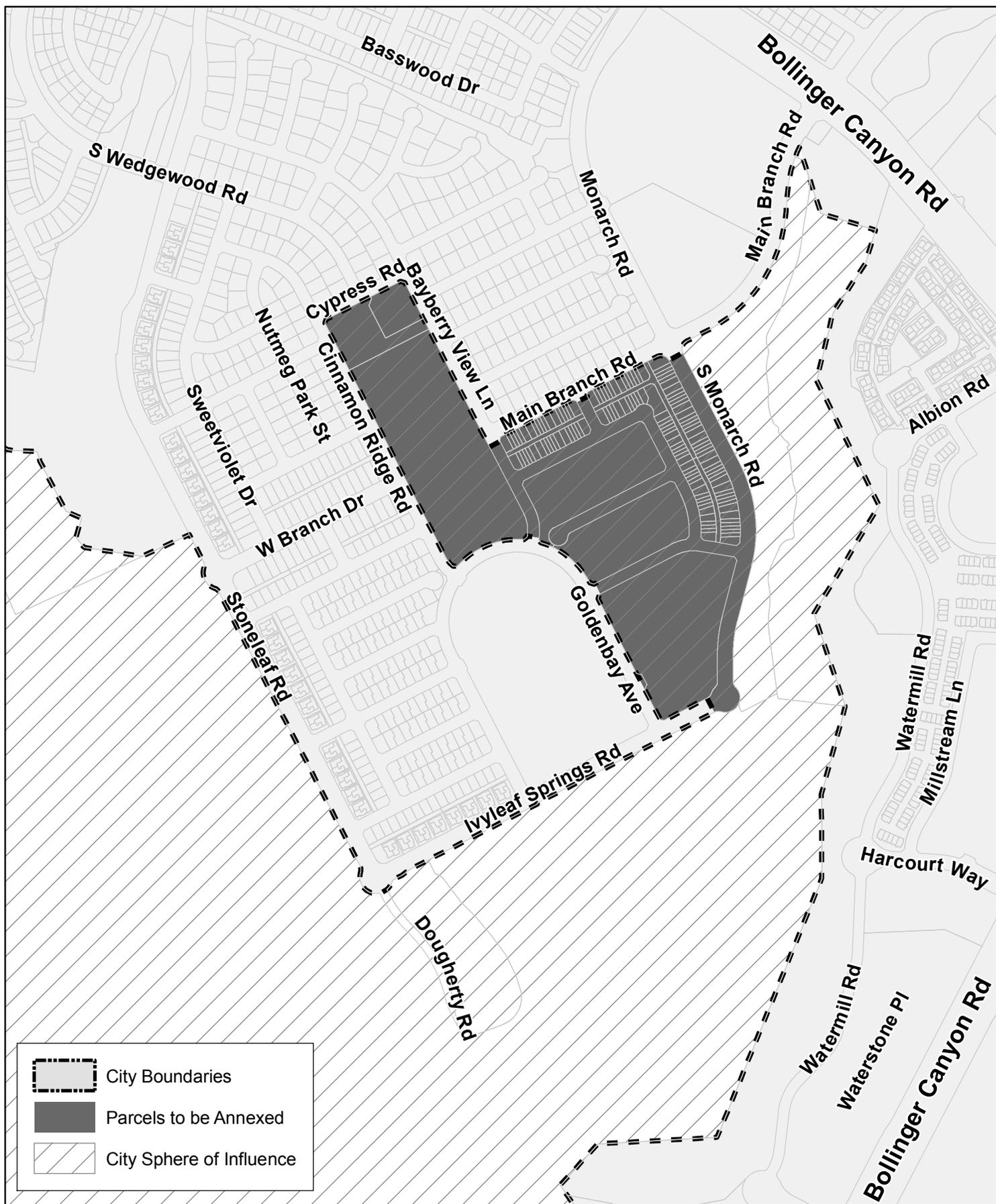
LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

c: Distribution

**Attachments**

1. Map of Annexation Area
2. Draft LAFCO Resolution

# LAFCO No. 12-04: Dougherty Valley Annexation #15 to the City of San Ramon



	City Boundaries
	Parcels to be Annexed
	City Sphere of Influence

Map created 8/21/2012  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37.59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Conservation and Development Department with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



**RESOLUTION NO. 12-04****RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING DOUGHERTY VALLEY  
REORGANIZATION #15: ANNEXATION TO CITY OF SAN RAMON AND  
CORRESPONDING DETACHMENT FROM COUNTY SERVICE AREA P-6**

WHEREAS, a proposal to annex territory within the Dougherty Valley to the City of San Ramon was filed with Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code section 56000 et seq.); and

WHEREAS, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; and

WHEREAS, the Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, consistency with the sphere of influence, contiguity with the City boundary, and related factors and information including those contained in Government Code section 56668; and

WHEREAS, at a public hearing on October 10, 2012, the Commission amended the City's proposal to include the concurrent detachment of the subject property from County Service Area (CSA) P-6; and

WHEREAS, the annexing agency has consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interest of the affected area and the total organization of local governmental agencies within Contra Costa County.

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission certifies it reviewed and considered the information contained in the Environmental Impact Reports and related environmental documentation as prepared and certified by the County of Contra Costa (lead agency) as identified in the LAFCO staff report, and adopts the County's Findings of Fact and Statement of Overriding Considerations.
2. Said reorganization is hereby approved.

Contra Costa LAFCO  
Resolution No. 12-04

3. The subject proposal is assigned the distinctive short-form designation:  
  
DOUGHERTY VALLEY REORGANIZATION #15: ANNEXATION TO THE CITY OF  
SAN RAMON AND CORRESPONDING DETACHMENT FROM CSA P-6
4. Said territory is found to be inhabited.
5. The proposal has less than 100% landowner/registered voter consent; however, no affected landowners/registered voters opposed the annexation, and the annexing agency has given written consent to the waiver of conducting authority proceedings. Said conducting authority proceedings are hereby waived.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Attachment 1, attached hereto and made a part hereof.
7. The subject territory shall be liable for any existing bonded indebtedness of the annexing agencies, if applicable.
8. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agencies.
9. That the City delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
10. All subsequent proceedings in connection with this reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\* \* \* \* \*

PASSED AND ADOPTED THIS 10<sup>TH</sup> day of OCTOBER 2012, by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

---

DON TATZIN, CHAIR, CONTRA COSTA LAFCO

ATTEST: *I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated above.*

Dated: October 10, 2012

---

Lou Ann Teixeira, Executive Officer



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

October 10, 2012 (Agenda)

October 10, 2012  
 Agenda Item 7

Contra Costa Local Agency Formation Commission (LAFCO)  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

**Municipal Services Review/Sphere of Influence Updates - Library Services**

Dear Commissioners:

BACKGROUND

**What are Municipal Service Reviews**

Municipal Service Reviews (MSRs) provide an assessment of the ability of local government agencies (i.e., counties, cities, special districts) to effectively and efficiently provide services to residents and users. The form and content of the MSR is provided for in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH).

The purpose of MSRs is to provide information to the Commission to use in updating spheres of influence (SOIs) and considering future boundary changes for each local agency; however, LAFCO is not required to initiate boundary or SOI changes as part of MSRs. LAFCO, local agencies and the public may subsequently use the MSRs together with additional studies, where necessary, to pursue jurisdictional boundary changes, including annexations, reorganizations, district formations, consolidations, and in considering the extension of municipal services outside an agency’s boundary.

Government Code §56375(a) gives LAFCO the power to initiate certain types of boundary changes consistent with MSRs and SOI studies. These boundary changes include 1) consolidation of districts (joining two or more districts into a single successor district); 2) dissolution (termination of a district and its corporate powers); 3) merger (termination of a district by merging that district with a city); 4) establishing a subsidiary district (i.e., a city council becomes the board of directors of a district); 5) forming a new district or districts; and 6) a reorganization that includes any of the above .

**State Law Requirements**

The CKH requires LAFCO to update the SOI for each local agency under its jurisdiction every five years, as needed; and that an MSR be prepared prior to or in conjunction with the SOI update.

Government Code §56430 requires that MSRs include an analysis and written statement of determinations with respect to various factors, including growth and population; present and planned capacity of public facilities and adequacy of public services, including infrastructure needs or deficiencies; financial ability of agencies to provide services; opportunities for shared facilities; government and operational efficiencies, and other factors related to service delivery.

### **MSRs/SOI Updates in Contra Costa County**

In 2006, the Commission approved an MSR/SOI work plan to complete baseline MSRs/SOI updates for all cities and special districts using a team of consultants and LAFCO staff. The approach involves a combination of countywide, sub-regional, and agency specific reviews.

To date, LAFCO has completed inaugural countywide MSRs covering healthcare, water, wastewater, fire and emergency, reclamation, cemetery, mosquito/vector control, park & recreation, resource conservation and law enforcement services. Also, the Commission has completed sub-regional MSRs covering cities and community service districts.

The remaining first round MSRs include library services and miscellaneous County Service Areas (CSAs).

### **DISCUSSION**

On July 11, the Commission held a workshop and received a preliminary overview of the Library Services MSR. The MSR consultant – Burr Consulting – provided information relating to the library services, focusing primarily on two library service providers, the City of Richmond and Contra Costa County (including four County Service Areas). The consultant presented preliminary data comparing Contra Costa library facilities, services, and financing to other Bay Area communities.

The Commission received public comment and provided input as to information they would like to see included in the MSR report specific to facilities, fiscal indicators, programs/services, and miscellaneous issues. On August 8, the Commission received a summary of these issues and a status report regarding the Library Services MSR.

At the LAFCO meeting on October 10, the MSR consultant will present Public Review Draft MSR report.

### **RECOMMENDATIONS**

1. Receive the staff report and consultant presentation,
2. Provide comments, and
3. Direct the project team to release the Public Review Draft MSR with a public hearing to follow.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER  
c: Distribution



**Lou Ann Teixeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

October 10, 2012 (Agenda)

**October 10, 2012  
Agenda Item 8**

Contra Costa Local Agency Formation Commission (LAFCO)  
651 Pine Street, Sixth Floor  
Martinez, CA 94553

**Northeast Antioch Monthly Update**

Dear Commissioners:

On February 9, 2011 the Commission approved the extension of out of agency service by the City of Antioch and Delta Diablo Sanitation District to the Marsh Landing Generating Station (GenOn) property located in unincorporated Northeast Antioch. The Commission’s approval requires that the City and County provide LAFCO with monthly updates regarding the status of the City/County Northeast Antioch Economic Development Strategy, the proposed annexation of the area, and the tax transfer negotiations. A subcommittee was formed to address these issues.

LAFCO representatives participated in monthly subcommittee meetings beginning in April 2011; and the City and County have provided LAFCO with monthly updates since then. The subcommittee last met in October 2011. Since then, the parties have been engaged in the tax transfer negotiations, and other activities as previously reported to the Commission

Last month, City staff reported that they are updating the previous CEQA document which will be released in September; that the City and County are discussing the sequencing of the annexations of areas 1, 2A and 2B; and that the deadline associated with Genon’s \$1 million contributions to the City and County will be extended.

The subcommittee will meet on October 1<sup>st</sup> to receive an updates on the CEQA documents for Area 1, 2A and 2B, infrastructure cost estimates, municipal services, and property tax exchange issues. The subcommittee will also discuss a recent Attorney General opinion regarding island annexations, and the education campaign for Areas 2A and 2B. City and County staff will be present at the October 10<sup>th</sup> LAFCO meeting to respond to questions.

**RECOMMENDATION**

Receive the monthly update and provide further direction as appropriate.

Sincerely,

**LOU ANN TEXEIRA**  
**EXECUTIVE OFFICER**



**Lou Ann Texeira**  
*Executive Officer*

**MEMBERS**

**Donald A. Blubaugh**  
*Public Member*  
**Federal Glover**  
*County Member*  
**Michael R. McGill**  
*Special District Member*

**Dwight Meadows**  
*Special District Member*  
**Mary N. Piepho**  
*County Member*  
**Rob Schroder**  
*City Member*

**Don Tatzin**  
*City Member*

**ALTERNATE MEMBERS**

**Candace Andersen**  
*County Member*  
**Sharon Burke**  
*Public Member*  
**Tom Butt**  
*City Member*  
**George H. Schmidt**  
*Special District Member*

October 10, 2012 (Agenda)

October 10, 2012  
 Agenda Item 9

Contra Costa Local Agency Formation Commission  
 651 Pine Street, Sixth Floor  
 Martinez, CA 94553

**First Quarter Budget Report - Fiscal Year 2012-13**

Dear Members of the Commission:

This is the first quarter budget report for FY 2012-13, which compares adopted and actual expenses and revenues for the period July 1, 2012 through September 30, 2012.

The LAFCO operating budget includes three components: salaries/benefits, services/supplies, and contingency/reserve. The budget is based on the “bottom line,” which allows for variation within line item accounts as long as the overall balance remains positive. Funds may not be drawn from the contingency/reserve without Commission approval.

LAFCO’s budget is funded primarily by the County, cities and independent special districts, with each group paying one-third of the LAFCO budget. The city and district shares are prorated based on general revenues reported to the State Controller’s Office. LAFCO also receives revenue through application fees and interest earnings.

DISCUSSION

On May 9, 2012, LAFCO adopted its final FY 2012-13 budget with appropriations totalling \$745,225 (including contingency/reserve and OPEB Trust).

With 25% of the fiscal year elapsed, the Commission’s first quarter expenditures are \$86,802 or 12% of total appropriations. The Commission budgeted \$335,466 in *salaries/benefits* for FY 2012-13; at the end of the first quarter, actual expenses total \$57,488 or 17% of the total budgeted amount. The Commission budgeted \$319,759 in *services/supplies*; and at the end of the first quarter, actual expenses total \$29,314 or 9%. The budget also includes an \$80,000 contingency/reserve and \$10,000 for the OPEB Trust. No funds have been drawn from the contingency this fiscal year.

The primary sources of revenues are local agency contributions, application fees, and interest earnings. Total revenues received during the first quarter are \$603,641 or 97% of projected revenues. All local agencies have paid their prorated contributions to the LAFCO budget

As for application fees, FY 2012-13 application activity is on par with FY 2011-12 activity. During the first quarter of FY 2012-13, LAFCO received two new applications; two applications were received during the first quarter of FY 2011-12.

LAFCO is currently receiving no investment earnings, and awaits the County Treasurer’s notice to resume investment activity based on market conditions.

Finally, when available, we budget fund balance to offset agency contributions. The FY 2012-13 budget includes \$121,541 in budgeted fund balance. See table below for a summary.

<b>Account</b>	<b>FY 2012-13 Final Budget</b>	<b>First Quarter Actuals</b>
Salaries & Benefits	\$335,466	\$57,488
Services & Supplies	319,759	29,314
Contingency/Reserve	80,000	-
OPEB Trust	10,000	
<b>Total Appropriations</b>	<b>\$745,225</b>	<b>\$86,802</b>
Agency Contributions	\$593,684	\$593,684
Application/Other Revenue	30,000	9,957
Interest Earnings		
Fund Balance	121,541	
<b>Total Revenues</b>	<b>\$745,225</b>	<b>\$603,641</b>

No budget adjustments are recommended at this time. LAFCO staff will continue to closely monitor the budget, and keep the Commission apprised.

RECOMMENDATION

It is recommended that the Commission receive the FY 2012-13 first quarter fiscal report.

Sincerely,

LOU ANN TEXEIRA  
EXECUTIVE OFFICER

# MEMO

**Date:** September 20, 2012

**To:** CCCERA Employers

**From:** Kurt Schneider, Retirement Deputy Chief Executive Officer

**Subject:** Internal Revenue Code §415 Replacement Benefit Plans and AB 340



16  
**October 10, 2012  
Agenda Item 10**

Please be advised that recent State legislation, AB 340, impacts employers' Internal Revenue Code (IRC) §415 replacement benefit plans. The IRC establishes annual limits on retirement plan benefits under IRC §415(b). The annual benefit payments from Contra Costa County Employees' Retirement Association (CCCERA) are subject to the dollar limits imposed by IRC §415. Once this annual limit is reached, CCCERA stops paying benefits to the retiree for the remainder of that year.

As currently allowed under the IRC, some employers participating in CCCERA have established nonqualified replacement benefit plans independent from CCCERA. Under these replacement benefit plans, additional benefits are paid to retirees after their annual benefits from CCCERA have ceased due to the §415 limits. The legislation signed by the Governor on September 12, 2012 (AB 340) places restrictions on these replacement benefit plans.

Effective January 1, 2013, AB 340 added Government Code §7522.43, which provides:

*7522.43. (a) A public employer shall not offer a plan of replacement benefits for members and any survivors or beneficiaries whose retirement benefits are limited by Section 415 of Title 26 of the United States Code. This section shall apply to new employees.*

*(b) A public retirement system may continue to administer a plan of replacement benefits for employees first hired prior to January 1, 2013.*

*(c) A public employer that does not offer a plan of replacement benefits prior to January 1, 2013, shall not offer such a plan for any employee on or after January 1, 2013.*

*(d) A public employer that offers a plan of replacement benefits prior to January 1, 2013, shall not offer such a plan to any additional employee group to which the plan was not provided prior to January 1, 2013.*

Pursuant to the legislation, public employers may not offer a §415 replacement benefit plan to employees hired after January 1, 2013, but may continue to administer a §415 replacement benefit plan for employees first hired prior to January 1, 2013. Beginning January 1, 2013, public employers will be prohibited from creating or expanding a §415 replacement benefit plan.

Please contact me with any questions regarding this topic.



Employees' Retirement Association  
1355 willow way suite 221 concord ca 94520  
925.521.3960 fax 925.646.5747



October 1, 2012

To All Interested Parties:

CCCERA's Board of Trustees meeting on October 10, 2012 will include an educational presentation regarding the California Public Employees' Pension Reform Act of 2013 (PEPRA). This subject will be of interest to all employers of the Association.

Please join us for this educational presentation regarding the implications of PEPRA for new employees hired after January 1, 2013, including new tiers and pension formulas, caps on benefits, and final compensation period for new employees.

Please note that we do not anticipate any action regarding this matter at the October 10, 2012 meeting. This meeting is for educational purposes only.

The Retirement Board administers the fund for the benefit of all member groups. Trustees must weigh the merits of all policies, plus assess the effect these mandates may have on active, retired and employer members. A balanced outlook is imperative; all members are vitally important to system sustainability.

We invite you to attend this meeting, ask questions and learn more about this critical subject.

Sincerely,

Marilyn Leedom  
Chief Executive Officer

MEL

## CALAFCO Daily Legislative Report as of 10/2/2012

October 10, 2012  
Agenda Item 12a

1

### [AB 1098](#) ([Carter D](#)) **Vehicle license fees: allocation.**

**Current Text:** Vetoed: 9/19/2012 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 8/30/2012

**Status:** 9/19/2012-Vetoed by the Governor

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:**

Current law requires that a specified amount of motor vehicle license fees deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund be allocated by the Controller, as specified, to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. This bill would instead require, on and after July 1, 2012, that those revenues be distributed first to each city that was incorporated from an unincorporated territory after August 5, 2004, in an amount determined pursuant to a specified formula, second to each city that was incorporated before August 5, 2004, in an amount determined pursuant to a specified formula, and third to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Request for Governor's Signature](#)

**Position:** Support

**Subject:** Financial Viability of Agencies

**CALAFCO Comments:** Last minute "gut and amend" bill which restored VLF funding to cities incorporated -- and inhabited annexations -- since 2004.

### [AB 2238](#) ([Perea D](#)) **Public water systems: drinking water.**

**Current Text:** Amended: 8/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 8/24/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. APPR. on 8/31/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
	1st House				2nd House							

**Summary:**

Would eliminate the requirement that the State Department of Public Health develop a definition of what constitutes an emergency and would instead provide a definition of a public health emergency as an unexpected event that requires immediate action, as specified. This bill would authorize the department to expend the moneys from the Grant Fund if the department determines that a public health emergency has occurred and would list the provision of interim water treatment as one of the listed specified actions for which the department may provide payment. By revising and expanding the application of funds in the Grant Fund, the bill would make an appropriation. This bill would limit the provision of an alternative water supply to \$50,000 per public water system per public health emergency. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Support Letter - June 2012](#)

[CALAFCO Remove Opposition Letter - May 2012](#)

[CALAFCO Opposition Letter - Amended Bill - April 19 2012](#)

[CALAFCO Opposition Letter - March 2012](#)

**Position:** Support

**Subject:** Water, Municipal Services

**CALAFCO Comments:** This bill has been significantly amended to address the concerns raised by CALAFCO. The requirements for LAFCo to conduct reorganization studies in all water and wastewater MSRs has been entirely removed. There are no mandates or requirements for LAFCo in the June amended bill. The bill now would require local water agencies which receive grants for a feasibility study to consider reorganization and efficiency recommendations in a LAFCo MSR, SOI update or special study in that study. It also requires the Department of Public Health to consult with the LAFCo prior to issuing infrastructure grants to ensure alternative delivery options identified by a LAFCo were considered in the feasibility study.

**[AB 2624](#) (Smyth R) Sustainable communities.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 8/17/2012-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. APPR. on 8/16/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

The Strategic Growth Council is required to manage and award grants and loans to a council of governments, metropolitan planning organization, regional transportation planning agency, city, county, or joint powers authority for the purpose of developing, adopting, and implementing a regional plan or other planning instrument to support the planning and development of sustainable communities. This bill would make a local agency formation commission eligible for the award of financial assistance for those planning purposes.

**Attachments:**

[CALAFCO Support Letter - April 2012](#)

**Position:** Support

**Subject:** Sustainable Community Plans

**CALAFCO Comments:** Makes LAFCo an eligible agency to apply for Strategic Growth Council grants. Sponsored by CALAFCO.

**[AB 2698](#) (Committee on Local Government) Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.**

**Current Text:** Chaptered: 7/9/2012 [pdf](#) [html](#)

**Introduced:** 3/21/2012

**Last Amended:** 6/6/2012

**Status:** 7/9/2012-Chaptered by the Secretary of State, Chapter Number 62, Statutes of 2012

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, sets forth the powers and duties of a local agency formation commission, including, among others, the power to approve the annexation of a contiguous disadvantaged community, under specified circumstances. Current law provides that an application to annex a contiguous disadvantaged community is not required if a commission finds that a majority of the residents within the affected territory are opposed to annexation. This bill would provide that an application to annex a contiguous disadvantaged community is not required if the commission finds that a majority of the registered voters within the affected territory are opposed to annexation. This bill contains other related provisions and other current laws.

**Attachments:**

[Request for Governor's Signature - 25 June 2012](#)

[CALAFCO Support Letter - 1 May 2012](#)

**Position:** Sponsor

**Subject:** CKH General Procedures

**CALAFCO Comments:** CALAFCO-sponsored annual CKH Omnibus bill. Amended on April 30th

to include CALAFCO protest provision and waiver of notice and hearing language.

**SB 1498 (Emmerson R) Local agency formation commission: powers.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. G. & F. on 3/22/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would authorize a local agency formation commission to authorize a city or district to provide new or current services outside its jurisdictional boundaries and outside its sphere of influence to support current or planned uses involving public or private properties, subject to approval at a noticed public hearing, in which certain determinations are made. The bill would also authorize the commission to delegate to its executive officer the approval of certain requests to authorize a city or district to provide new or extended services outside its jurisdictional boundaries or outside its sphere of influence, as described above, under specified circumstances. The bill would also make certain technical, nonsubstantive, and conforming changes. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Disadvantaged Communities, Municipal Services

**CALAFCO Comments:** Sponsored by the League of Cities, this bill does two things: 1) it includes the CALAFCO proposed language on expanding out-of-agency service authority (56133) and 2) removes the annexation requirements from SB 244. Those provisions require a city to apply to annex a disadvantaged unincorporated community if they apply to annex adjacent uninhabited territory. It is anticipated this bill will be completely gutted and amended and changed to Senator Wolk as the author. The anticipated direction is to further amend the definition of a disadvantaged unincorporated community. The League is continuing its efforts to remove or significantly modify the DUC annexation requirements when a city applies for an uninhabited annexation adjacent to a DUC.

**SB 1566 (Negrete McLeod D) Vehicle license fees: allocation.**

**Current Text:** Amended: 4/10/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 4/10/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/24/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law requires that a specified amount of motor vehicle license fees deposited to the credit of the Motor Vehicle License Fee Account in the Transportation Tax Fund be allocated by the Controller, as specified, to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. This bill would instead require, on and after July 1, 2012, that those revenues be distributed first to each city that was incorporated from an unincorporated territory after August 5, 2004, in an amount determined pursuant to a specified formula, second to each city that was incorporated before August 5, 2004, in an amount determined pursuant to a specified formula, and third to the Local Law Enforcement Services Account in the Local Revenue Fund 2011, for allocation to cities, counties, and cities and counties. By authorizing within the Motor Vehicle License Fee Account in the Transportation Tax Fund, a continuously appropriated fund, to be used for a new purpose, the bill would make an appropriation. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** Annexation Proceedings, Tax Allocation

**CALAFCO Comments:** This problem would correct the VLF problem created by last year's

budget bill SB 89, and restore VLF to recent incorporations and inhabited annexations.

**2**

**[AB 46](#) (John A. Pérez D) Local government: cities.**

**Current Text:** Amended: 6/28/2011 [pdf](#) [html](#)

**Introduced:** 12/6/2010

**Last Amended:** 6/28/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 6/28/2011)

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:**

Would provide that every city with a population of less than 150 people as of January 1, 2010, would be disincorporated into that city's respective county as of 91 days after the effective date of the bill, unless a county board of supervisors determines, by majority vote within the 90-day period following enactment of these provisions, that continuing such a city within that county's boundaries would serve a public purpose if the board of supervisors determines that the city is in an isolated rural location that makes it impractical for the residents of the community to organize in another form of local governance. The bill would also require the local agency formation commission within the county to oversee the terms and conditions of the disincorporation of the city, as specified. This bill contains other related provisions.

**Position:** None at this time

**Subject:** Disincorporation/dissolution

**CALAFCO Comments:** As written this bill applies only to Vernon, California. It bypasses much of the C-K-H disincorporation process, leaving LAFCo only the responsibility of assigning assets and liabilities following disincorporation.

**[AB 781](#) (John A. Pérez D) Local government: counties: unincorporated areas.**

**Current Text:** Amended: 8/29/2011 [pdf](#) [html](#)

**Introduced:** 2/17/2011

**Last Amended:** 8/29/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. INACTIVE FILE on 8/30/2012)

<b>2Year Dead</b>	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
	1st House				2nd House				Conc.			

**Summary:**

Would authorize the board of supervisors of a county in which a city that will be disincorporated pursuant to statute is located to vote to continue that city if, after receipt of an audit conducted by the State Auditor, the board of supervisors determines that the territory to be disincorporated is not expected to generate revenues sufficient to provide public services and facilities, maintain a reasonable reserve, and pay its obligations during the 5 years following disincorporation. The bill would require a city that is audited pursuant to these provisions to reimburse the State Auditor for the costs incurred to perform the audit, thereby imposing a state-mandated local program. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Disincorporation/dissolution, Special District Principle Acts

**CALAFCO Comments:** This bill was gutted and amended on 20 June to create a CSD in any unincorporated area that was previously a city and was disincorporated by the legislature. It is specifically targeted at Vernon. It also contains language directing LAFCo on the terms and conditions of the disincorporation.

**[AB 2208](#) (Perea D) Water quality.**

**Current Text:** Amended: 8/24/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Last Amended:** 8/24/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was S. THIRD READING on 8/27/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law, the Porter-Cologne Water Quality Control Act, establishes the State Water Pollution Control Revolving Fund program pursuant to which state and federal funds are continuously appropriated from the State Water Pollution Control Revolving Fund to the State Water Resources Control Board for loans and other financial assistance for the construction of publicly owned treatment works by a municipality, the implementation of a management program, the development and implementation of a conservation and management plan, and other related purposes in accordance with the federal Clean Water Act and the state act. Current law authorizes the board, until 2014, to assess a specified annual charge in connection with any financial assistance made pursuant to the revolving fund program in lieu of interest that otherwise would be charged and requires the proceeds generated from the imposition of the annual charge in lieu of interest to be deposited in the State Water Pollution Control Revolving Fund Small Community Grant Fund (grant fund), along with any interest earned upon the moneys in the grant fund. Current law provides that the annual charge in lieu of interest remain unchanged until 2014, at which time it will terminate and be replaced by an identical interest rate, and prohibits the deposit of more than \$50,000,000 into the grant fund. Current law authorizes the board to expend the moneys in the grant fund, upon appropriation by the Legislature, for grants for eligible projects under the revolving fund program that serve small communities, as defined. This bill would authorize the board to assess the charge in lieu of interest until 2019. This bill contains other related provisions.

**Position:** Watch

**Subject:** Water

**CALAFCO Comments:** While currently this bill does not directly affect LAFcos it is sponsored by the same people at AB 2238 (CRLA) and is in many ways tied to that bill. The current amendments do affect water and wastewater agencies which may be of concern to LAFcos and CALAFCO. It is also likely this bill will be significantly amended but at this time we don't know where it is going.

**AB 2210 (Smyth R) County assessors: notification.**

**Current Text:** Amended: 5/21/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Last Amended:** 5/21/2012

**Status:** 7/6/2012-Failed Deadline pursuant to Rule 61(b)(13). (Last location was S. G. & F. on 6/14/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would require the assessor, upon a request by the board of supervisors to furnish an estimate of the assessed valuation of property within the county for the succeeding fiscal year, to estimate whether property valuations have decreased by 3% or more and, if so, require the assessor to issue a written report to the board of supervisors within 30 days. This bill would require the assessor to, within 15 days of notifying the board of supervisors, also notify the Department of Finance and all cities and affected school districts within the county.

**Position:** None at this time

**Subject:** Annexation Proceedings

**CALAFCO Comments:** Placeholder bill on property tax exchange agreements.

**AB 2418 (Gordon D) Health districts.**

**Current Text:** Amended: 5/1/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/1/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/16/2012)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
-------	------	--------	--------	-------	------	--------	--------	-------	-------	----------	--------	-----------

Dead	1st House	2nd House	Conc.
------	-----------	-----------	-------

**Summary:**

Current law, the Local Health Care District Law, authorizes a local health care district to generate revenue through an annual assessment on real and personal property within the district . This bill would require a health care district to spend at least 95% of the revenue derived from an annual general tax levy on current community health care benefits, as specified. The bill would expressly exclude from the definition of community health care benefits the salaries paid and benefits provided to staff of the districts and benefits provided to board members, among other items. By increasing the duties of local officials, this bill would impose a state-mandated local program . This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Limits the amount of general tax levy revenue a healthcare district may spend on administrative costs. Excludes the costs of staff/board salaries and benefits. Specifies what tax levy revenues may be spent on, including powers authorized by LAFCo.

**ACA 17 (Logue R) State-mandated local programs.**

**Current Text:** Introduced: 2/15/2011 [pdf](#) [html](#)

**Introduced:** 2/15/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. L. GOV. on 4/14/2011)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, the state is required to provide a subvention of funds to reimburse the local government. With regard to certain mandates imposed on a city, county, city and county, or special district that have been determine to be payable, the Legislature is required either to appropriate, in the annual Budget Act, the full payable amount of the mandate, determined as specified, or to suspend the operation of the mandate for the fiscal year. The California Constitution provides that the Legislature is not required to appropriate funds for specified mandates.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** Changes state mandate law in a proposed constitutional amendment. Included is specific language that releases mandate responsibility if the local agency can change an individual or applicant for the cost of providing the mandated service. Would likely exempt some mandates to LAFCo from state funding.

**SB 46 (Correa D) Public officials: compensation disclosure.**

**Current Text:** Amended: 6/2/2011 [pdf](#) [html](#)

**Introduced:** 12/9/2010

**Last Amended:** 6/2/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. DESK on 8/22/2011)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would, commencing on January 1, 2013, and continuing until January 1, 2019, require every designated employee and other person, except a candidate for public office, who is required to file a statement of economic interests to include, as a part of that filing, a compensation disclosure form that provides compensation information for the preceding calendar year, as specified. This bill contains other related provisions and other current laws.

**Attachments:**

[CALAFCO Opposition Letter](#)

**Position:** Oppose

**Subject:** LAFCo Administration

**CALAFCO Comments:** Similar to a 2010 bill, this would require all those who file a Form 700 to also file an extensive compensation and reimbursement disclosure report. Would require all local agencies, including LAFCo, to annually post the forms on their website.

**SB 191 (Committee on Governance and Finance) Validations.**

**Current Text:** Amended: 5/16/2011 [pdf](#) [html](#)

**Introduced:** 2/8/2011

**Last Amended:** 5/16/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. DESK on 5/25/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

This bill would enact the First Validating Act of 2011, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill contains other related provisions.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.

**SB 192 (Committee on Governance and Finance) Validations.**

**Current Text:** Chaptered: 9/7/2012 [pdf](#) [html](#)

**Introduced:** 2/8/2011

**Last Amended:** 8/16/2012

**Status:** 9/7/2012-Chaptered by the Secretary of State, Chapter Number 265, Statutes of 2012

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

This bill would enact the Validating Act of 2012, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

**Attachments:**

[CALAFCO Support Letter](#)

**Position:** Support

**Subject:** LAFCo Administration

**CALAFCO Comments:** One of three annual acts which validate the boundaries of all local agencies.

**SB 317 (Rubio D) Kings River Fisheries Management Program.**

**Current Text:** Amended: 8/26/2011 [pdf](#) [html](#)

**Introduced:** 2/14/2011

**Last Amended:** 8/26/2011

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/27/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law authorizes the Department of Fish and Game to enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife. This bill would reenact those provisions, to be operative indefinitely, and would require that expenditures made pursuant to those provisions only be funded, upon appropriation by the Legislature, from moneys that are not from a General Fund or general obligation bond source . This bill contains other current laws.

**Subject:** CEQA

**CALAFCO Comments:** This bill is expected to be amended during the end of the session rush to reform CEQA; primarily by exempting projects that a consistent with a previously approved CEQA document (such as a general or specific plan). High speed rail and the delta by-pass are also expected to be exempted from CEQA in the bill.

**SB 804 (Corbett D) Health care districts: transfers of assets.**

**Current Text:** Chaptered: 9/28/2012 [pdf](#) [html](#)

**Introduced:** 2/18/2011

**Last Amended:** 6/6/2012

**Status:** 9/28/2012-Chaptered by the Secretary of State, Chapter Number 684, Statutes of 2012

2 Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:**

Current law authorizes a health care district to transfer, for the benefit of the communities served by the district, in the absence of adequate consideration, any part of the assets of the district to one or more nonprofit corporations to operate and maintain the assets. Current law deems a transfer of 50% or more of the district's assets to be for the benefit of the communities served only upon the occurrence of specified conditions. This bill would include among the above-described conditions the inclusion within the transfer agreement of the appraised fair market value of any asset transferred to the nonprofit corporation, as specified. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Current law allows the transfer of Health Care District assets to a non profit to operate and maintain the asset. This bill would include in the transfer, the transfer of the fair market value of the asset.

**SB 1002 (Yee D) Public records: electronic format.**

**Current Text:** Vetoed: 9/28/2012 [pdf](#) [html](#)

**Introduced:** 2/6/2012

**Last Amended:** 8/20/2012

**Status:** 9/28/2012-Vetoed by the Governor

2 Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:**

The California Public Records Act requires state and local agencies to make their records available for public inspection and, upon request of a person, to provide a copy of a public record unless the record is exempt from disclosure. The act requires an agency that has information that constitutes an identifiable public record not otherwise exempt from disclosure that is in an electronic format to make that information available in an electronic format when requested by a person. The act requires the agency to make the information available in an electronic format in which it holds the information. This bill would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** LAFCo Administration

**CALAFCO Comments:** Would add additional requirements for public electronic access to public documents.

**SB 1084 (La Malfa R) Local government: reorganization.**

**Current Text:** Introduced: 2/14/2012 [pdf](#) [html](#)

**Introduced:** 2/14/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/1/2012)

2 Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
--------	------	--------	--------	-------	------	--------	--------	-------	-------	----------	--------	-----------

Dead	1st House	2nd House	Conc.
------	-----------	-----------	-------

**Summary:**

Current law, for purposes of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, makes various legislative findings and declarations regarding the use of local government reorganization. This bill would make a technical, nonsubstantive change to that provision.

**Position:** None at this time

**CALAFCO Comments:** This is a placeholder bill.

**SB 1090 (Committee on Governance and Finance) Local government: omnibus bill.**

**Current Text:** Chaptered: 9/14/2012 [pdf](#) [html](#)

**Introduced:** 2/15/2012

**Last Amended:** 8/20/2012

**Status:** 9/14/2012-Chaptered by the Secretary of State, Chapter Number 330, Statutes of 2012

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:**

Would require the Controller to publish the annual reports of the financial transactions of each school district on the Internet Web site of the Controller. This bill contains other related provisions and other current laws.

**Position:** None at this time

**CALAFCO Comments:** Senate Omnibus bill. At this time it does not contain any LAFCo-related legislation.

**AB 1902 (Jones R) Publication: newspaper of general circulation: Internet Web site.**

**Current Text:** Introduced: 2/22/2012 [pdf](#) [html](#)

**Introduced:** 2/22/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. L. GOV. on 4/18/2012)

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:**

Current law requires that various types of notices are provided in a newspaper of general circulation. Current law requires a newspaper of general circulation to meet certain criteria, including, among others, that it be published and have a substantial distribution to paid subscribers in the city, district, or judicial district in which it is seeking adjudication. This bill would provide that a newspaper that is available on an Internet Web site may also qualify as a newspaper of general circulation, provided that newspaper meets certain criteria.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** Allows posting of notices in a web-based newspaper.

**AB 2452 (Ammiano D) Political Reform Act of 1974: online disclosure.**

**Current Text:** Chaptered: 7/13/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/8/2012

**Status:** 7/13/2012-Chaptered by the Secretary of State, Chapter Number 126, Statutes of 2012

2Year	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
Dead	1st House				2nd House				Conc.			

**Summary:**

Would, with certain exceptions, authorize a local government agency to require an elected

officer, candidate, committee, or other person required to file specified statements, reports, or other documents to file those statements, reports, or other documents online or electronically with a local filing officer. The bill would prescribe criteria that must be satisfied by a local government agency that requires online or electronic filing of statements, reports, or other documents, as specified, including, among others, that the system be available free of charge to filers and to the public for viewing filings, and that the system include a procedure for filers to comply with the requirement that they sign statements and reports under penalty of perjury. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** LAFCo Administration

**CALAFCO Comments:** Allows on-line filing of Political Reform Act documents with local agencies.

**SB 1149 (DeSaulnier D) Bay Area Regional Commission.**

**Current Text:** Amended: 5/15/2012 [pdf](#) [html](#)

**Introduced:** 2/21/2012

**Last Amended:** 5/15/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/15/2012)

<b>2 Year Dead</b>	<b>Desk</b>	<b>Policy</b>	<b>Fiscal</b>	<b>Floor</b>	<b>Desk</b>	<b>Policy</b>	<b>Fiscal</b>	<b>Floor</b>	<b>Conf. Conc.</b>	<b>Enrolled</b>	<b>Vetoed</b>	<b>Chaptered</b>
	<b>1st House</b>				<b>2nd House</b>							

**Summary:**

Would create the Bay Area Regional Commission with specified powers and duties, including the powers and duties previously exercised by the joint policy committee. The bill would require the regional entities that are funding the joint policy committee to continue to provide the same amount of funding as provided in the 2012-13 fiscal year, as adjusted for inflation, but to provide those funds to the commission rather than to the committee. The bill would provide for the Bay Area Toll Authority to make contributions to the commission, as specified, in furtherance of the exercise of the authority's toll bridge powers. The bill would require federal and state funds made available to the Metropolitan Transportation Commission for purposes of transportation planning to be budgeted to the Bay Area Regional Commission. The bill would specify the powers and duties of the commission relative to the other regional entities referenced above, including the power to approve the budgets of those regional entities and to develop an integrated budget for the commission and the regional entities. The bill would provide for the commission's executive director to develop a regional reorganization plan, with consolidation of certain administrative functions of the regional entities under the commission, with a final plan to be adopted by the commission by June 30, 2016. The bill would require organization of the regional entities as divisions of the commission, and would require the executive director to recommend candidates for vacant executive director positions at the regional entities as these positions become vacant. The bill would require the commission to adopt public and community outreach policies by October 31, 2015. The bill would require the commission to review and comment on policies and plans relative to the transportation planning sustainable communities strategy of the regional entities under Senate Bill 375 of the 2007-08 Regular Session, and beginning on January 1, 2017, the bill would provide for the commission to adopt or seek modifications to the functional regional plan adopted by each regional entity in that regard and would provide that the commission is responsible for ensuring that the regional sustainable communities strategy for the region is consistent with Senate Bill 375 of the 2007-08 Regular Session. The bill would require the commission to prepare a 20-year regional economic development strategy for the region, to be adopted by December 31, 2015, and updated every 4 years thereafter. The bill would require any changes proposed by the commission with respect to bridge toll revenues managed by the Bay Area Toll Authority to be consistent with bond covenants, and would prohibit investment in real property of toll revenues in any reserve fund. This bill contains other related provisions and other current laws.

**Position:** Watch

**Subject:** Sustainable Community Plans

**SB 1305 (Blakeslee R) Regional open-space district: County of San Luis Obispo.**

**Current Text:** Introduced: 2/23/2012 [pdf](#) [html](#)

**Introduced:** 2/23/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. G. & F. on 3/8/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would permit the formation of a regional open-space district in the County of San Luis Obispo to be initiated by resolution of the county board of supervisors after a noticed hearing, if the boundaries of a proposed district are coterminous with the exterior boundaries of the County of San Luis Obispo. The bill would specify the contents of the resolution, including a requirement to call an election, as prescribed.

**Position:** None at this time

**Subject:** Special District Principle Acts

**CALAFCO Comments:** Allows the creation of an open space district in San Luis Obispo County and circumvents the LAFCo process.

**SB 1337 (DeSaulnier D) Zone 7 Water Agency Act.**

**Current Text:** Amended: 5/1/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 5/1/2012

**Status:** 5/25/2012-Failed Deadline pursuant to Rule 61(b)(8). (Last location was S. APPR. on 5/1/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would create the Zone 7 Water Agency, as prescribed, with specified authorizations, powers, and duties. This bill would permit the Alameda County Local Agency Formation Commission to exclude some or all of the agency's territory from the boundaries of the district and would eliminate from the district act provisions relating to the governance of a zone lying, in whole or in part, in Pleasanton or Murray Townships. This bill would authorize the agency to continue to impose any special taxes based upon assessed value or any other special taxes, assessments, or charges imposed by or on behalf of the former Zone 7, would authorize the agency to impose new special taxes or levy assessments, as prescribed, and would require any taxes or assessments to be levied and collected together with taxes for county purposes, as specified. This bill would also authorize the agency to designate the county treasury as its treasury, as prescribed. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Water

**CALAFCO Comments:** CALAFCO typically opposes legislation which circumvents the LAFCo process. This is a slightly different situation where the legislature is being asked to change an old special act district (which would have previously circumvented the LAFCo process) with some complex changes.

**SB 1380 (Rubio D) Environmental quality: California Environmental Quality Act: bicycle transportation plan.**

**Current Text:** Amended: 8/21/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 8/21/2012

**Status:** 9/1/2012-Failed Deadline pursuant to Rule 61(b)(17). (Last location was A. INACTIVE FILE on 8/28/2012)

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a

project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agencies to make specified findings in an EIR. This bill, until January 1, 2018, would exempt from CEQA a bicycle transportation plan for an urbanized area, as specified, and would also require a local agency that determines that the bicycle transportation plan is exempt under this provision and approves or determines to carry out that project, to file notice of the determination with OPR and the county clerk . This bill would require OPR to post specified information on its Internet Web site, as prescribed. This bill contains other current laws.

**Position:** Watch

**Subject:** CEQA

**CALAFCO Comments:** The bill has been significantly amended to require certain documentation in a CEQA report prepared for a Bicycle Transportation Plan.

**SB 1459 (De León D) Regional and local park districts: cities and counties.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/22/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law prescribes procedures for the formation of regional park districts, regional park and open-space districts, or regional open-space districts. Current law authorizes 3 or more cities, together with any parcel or parcels of city or county territory, whether in the same or different counties, to organize and incorporate, but requires that all the territory in the proposed district be contiguous. This bill would revise the above authorization to instead only allow district formation for 4 or more cities.

**Position:** None at this time

**Subject:** Special District Principle Acts

**SB 1501 (Kehoe D) Open-space easements.**

**Current Text:** Chaptered: 9/30/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Last Amended:** 4/11/2012

**Status:** 9/30/2012-Chaptered by the Secretary of State, Chapter Number 875, Statutes of 2012

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Would make technical, nonsubstantive changes to these provisions. This bill contains other related provisions and other current laws.

**Position:** None at this time

**Subject:** Ag/Open Space Protection

**CALAFCO Comments:** Currently a placeholder bill regarding open space easements.

**SB 1519 (Fuller R) Desert View Water District-Bighorn Mountains Water Agency consolidation.**

**Current Text:** Introduced: 2/24/2012 [pdf](#) [html](#)

**Introduced:** 2/24/2012

**Status:** 5/11/2012-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. RLS. on 3/22/2012)

2 Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

**Summary:**

Current law, the Desert View Water District-Bighorn Mountains Water Agency Consolidation Law, effected a consolidation between the Desert View Water District and the Bighorn Mountains Water Agency and required the successor board of directors to operate under the

Bighorn Mountains Water Agency Law. Under current law, for a period of not less than 10 years after January 1, 1990, meetings of the successor board of directors are required to be held, as prescribed. This bill would make a technical, nonsubstantive change in these provisions.

**Position:** None at this time

**Subject:** Special District Principle Acts

Total Measures: 29

Total Tracking Forms: 29

10/2/2012 11:19:50 AM

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
PENDING PROPOSALS – October 10, 2012**

October 10, 2012  
Agenda Item 12b

<b>LAFCO APPLICATION</b>	<b>RECEIVED</b>	<b>STATUS</b>
Northeast Antioch Reorganization: proposed annexations to City of Antioch and Delta Diablo Sanitation District of 481± acres located north of Wilbur Ave	8/17/07	Incomplete; awaiting info from applicant
West County Wastewater District Annexation Nos. 310 and 312: proposed annexation of 3.33± acres located at 39 Kirkpatrick Drive and 5527 Sobrante Avenue in El Sobrante	11/7/08	Incomplete; awaiting info from District
UCB Russell Research Station (RRS): proposed SOI amendment to East Bay Municipal Utility District (EBMUD) of 313± acres located on Happy Valley Road, southeast of Bear Creek Rd, and north of the Lafayette city limits (with concurrent annexation application)	11/25/08	Incomplete; awaiting info from applicant
UCB RRS: proposed annexation of 313± acres to EBMUD	11/25/08	Incomplete
Annexation 168C.1 to Central Contra Costa Sanitary District (CCCSD): proposed annexation of 104± acres in the Alhambra Valley, all of which are located outside the Urban Limit Line	4/13/09	Incomplete; awaiting info from applicant
Laurel Place/Pleasant View Annexation to City of Concord: proposed annexation of 5.86± acres located on Laurel Dr and Pleasant View Ln	5/8/09	Pending property tax exchange agreement
Highlands Ranch Phase II SOI Amendment: proposed SOI amendments to the cities of Antioch (reduction) and Pittsburg (expansion) of 194± acres located east of Pittsburg city limits, within Antioch Somersville Road Corridor Planning Area	10/23/09	Incomplete; awaiting info from applicant
Discovery Bay Community Services District (DBCSD) SOI Amendment (Newport Pointe): proposed SOI expansion of 20± acres bounded by Bixler Road, Newport Drive and Newport Cove (with corresponding annexation application)	7/28/10	Incomplete; awaiting info from applicant
DBCSD Annexation (Newport Pointe): proposed annexation of 20± acres to supply water/sewer services to a 67-unit single family residential development	7/28/10	Incomplete; awaiting info from applicant
DBCSD Request to Extend Out of Agency Service – request to extend wastewater services to a 15.38± acre parcel located on Highway 4	7/27/11	Incomplete; awaiting info from applicant
Annexation 182 to CCCSD: proposed annexation of 99.7± acres in Martinez and Lafayette	11/29/11	Incomplete; awaiting info from applicant
Annexation 183 to CCCSD: proposed annexation of 91± acres in Orinda, Pleasant Hill and Walnut Creek	7/12/12	Under review

## Giving back to the community

### Central Contra Costa Sanitary District

October 10, 2012  
Agenda Item 12c



Mike McGill  
Board Member

Mike McGill understands what it means to be a public servant. He has served on numerous boards over the years, dedicating his time and experience to agencies and organizations important to his community. McGill has extensive experience running as a candidate for these boards in efforts to get elected. Serving on a board of directors requires time and dedication and McGill has given both over the last few decades.

*California Special District* asked McGill why he has made service on the boards of directors of the agencies a priority, why public service is important and advice for others interested in running for a local agency board.

**You currently serve on a number of boards of directors, including those of local agencies. What are those boards and what are the agencies' missions?**

1. Central Contra Costa Sanitary District Board of Directors  
Years: 2006 to present  
Location: Martinez, CA (Central Contra Costa County service area)  
Website: [www.centralsan.org](http://www.centralsan.org)
2. California Association of Local Agency Formation Commissions (LAFCo) Board of Directors  
Years: May 2012 to Present  
Location: Sacramento, CA (statewide)  
Website: [www.calafco.org](http://www.calafco.org)
3. Contra Costa LAFCo Board of Directors  
Years: 2011 to present  
Location: Contra Costa County, CA (countywide)  
Website: [www.contracostalafco.org](http://www.contracostalafco.org)
4. National University System Board of Trustees, including National University, John F. Kennedy University, and other affiliates  
Years: 1989 to present  
Location: Pleasant Hill, CA (statewide)  
Website: [www.nu.edu](http://www.nu.edu) and <http://www.jfku.edu>

## Central Contra Costa Sanitary District

**Established:** 1977

**Mission:** To protect public health and the environment by collecting and treating wastewater, recycling high-quality water and promoting pollution prevention.

**Location:**

Martinez

**Website:**

[www.centalsan.org](http://www.centalsan.org)

5. Contra Costa Council Board of Directors (Co-Chair of Land Use Task Force)

Years: 2000 to present

Location: Concord, CA (countywide)

Website: [www.contracostacouncil.com](http://www.contracostacouncil.com)

6. Los Medanos College Foundation Board of Directors (Treasurer)

Years: 1998 to 2004; 2006 to Present

Location: Pittsburg, CA

Website: [www.losmedanos.edu/foundation](http://www.losmedanos.edu/foundation)

7. Work Force Development Board of Contra Costa County (Co-Chair of Program, Policy & Performance Committee)

Years: 2011 to Present

Location: Pleasant Hill, CA (countywide)

Website: <http://wdbccc.com>

Also, I am this year's Central Contra Costa Sanitary District (Central San) representative to the Contra Costa Special Districts Association, and I have completed the Special District Leadership Academy.

### What motivated you to run for election to these boards?

I'm a Civil Engineer with master's degrees in Civil Engineering and Water Resource Engineering. My area of practice is predominately municipal engineering, usually for cities or counties. I have a great deal of interest in water, but found I wasn't getting an opportunity to use my water process/water treatment training.

I ran for the Central San Board because I felt my expertise could benefit the District and its constituents, and because it would give me an opportunity to be involved with public health and the environment from a water perspective.

The other thing I wanted to do as a Central San Board member was increase the

District's community involvement and political presence.

I have lived in Central San's service area since 1980. It didn't have much of a political presence. I felt Central San should have a stronger voice. It's too easy for people to take fresh, clean water as it comes from the tap for granted, and it's too easy to take for granted that somebody is going to collect the biosolids and everything else that goes down the drain "and just make it go away."

Protecting public health and the environment is a very important role, and as such, I believed Central San should be more active in the political community.

I became involved with John F. Kennedy University, the National University System, and the Los Medanos College Foundation because I've always had great affinity for education. Much of my own education and degrees were supported by University of Michigan scholarships. I know just how much it did for me to have that training and exposure, and I feel that giving back is important. I also believe it's good for individuals, and good for our society, to have a highly educated populace.

I got involved with the Contra Costa Council because it was related to so much of the work I was doing.

I became aware of the Workforce Development Board of Contra Costa County when I ran for County Supervisor a couple of years ago. The Workforce Development Board is consistent with my affinity for education, so when I saw they had an opening I submitted my application. When the economy was booming, the main focus of the Board was to provide training to make sure we have a skilled and qualified

workforce. Now that the economy is not as robust, the Board is trying to do things to help industry develop, and it's more than just education in that case.

### Explain why you feel serving on local agency boards is important.

I believe in the expression, "All politics is local." I find so much of what really affects our lives on a day-to-day basis comes out of the local boards. This is certainly the case of Central San, where we collect and treat wastewater, recycle water, provide household hazardous waste collection and disposal, and many other services that benefit everyone in central Contra Costa County.

I'm a champion of recycled water. Right now we're dumping about 40 million gallons of wastewater each day into Suisun Bay rather than reusing it. That is one of my big concerns as a member of the Central San Board.

Also, I'm a long-time advocate of transparency, and feel local agencies could be more open, more involved and more active within their communities. I've made it a point to talk to rotaries and other groups about Central San's pollution prevention program, household hazardous waste program, pharmaceutical collection program, and recycled water program.

I'm a firm believer in "Don't just take from your community, give back to your community." I have a quote posted where I look at every day: "Produce more than you consume."

### You serve on your county's LAFCo. What inspired you to seek appointment to the commission?

Because of my background and experience as a municipal engineer, I gained a good understanding of what LAFCo did. I knew

*continued on page 46*

## What's so special [continued from page 39]

the importance of adequate municipal services, orderly boundaries and expansions of cities and special districts, protecting open space and agricultural lands, and avoiding sprawl. I felt I could make a real impact in the future quality of life that we experience here in Contra Costa County.

### What goals do you bring to your public service?

My goals are transparency and personal involvement (of myself and the agency) in the community and political arena. I also want to assist in raising the awareness that change is often beneficial and necessary. Even though something was a good idea last year, and might still be a great idea this year, we need to be aware that things change and be ready to help facilitate that change. For example, there are microconstituents of emerging concern in the wastewater stream, such as chemicals and drugs. We need to be open-minded, use good science, and don't just say "We've done it this way for years; it was good enough then, it's got to be good enough now." Our world is evolving.

### Many special districts in California find challenges in getting people to run for their boards, instead having to appoint members to the board. What tips do you have for special districts wanting to encourage members of the public to run for election?

I think public outreach is very important, particularly by board members. When we get out into the community and speak to people, it helps them understand what we do, and it helps them understand what they can do to help (in our case, pollution prevention). But it also can create excitement about the good work we do, and that

excitement is what's going to get people interested in running for office.

### What tips do you have for individuals interested in successfully running for election to a local board?

Plan early if you're going to run. There are a lot of rules related to running for office – whether it's how much it cost to file papers, how many signatures you need, what you pay for a ballot statement, the FPPC rules, etc. – these requirements can look absolutely overwhelming, but they're not. Just think about some of the "less-than-stellar" people you know who have run for office and gotten elected. If they can do it, you can do it.

I would also encourage people considering running for office to start attending that agency's meetings so they can see the Board dynamics, get an idea of the issues, etc. You shouldn't just shoot from the hip. There's a fair amount of work and study involved. I'm not saying you need to be highly technical when running for office; common sense often carries the day.

### Are there ambitions you have to run for other offices?

I've already run for County Supervisor once. I did that because I felt we needed to have somebody with a good understanding of numbers and finance, and I'd been Treasurer of JFK University for a long time and chaired Central San's Finance Committee. I wanted to put that skill set to good use. Whether I'd ever run for County Supervisor again, I don't know. ■

## CSDA's Business Affiliates

*CSDA gratefully relies on the generous support of all Business Affiliates*

A SPECIAL THANK YOU TO:

### Diamond level

**CSDA Finance Corporation**  
www.csdafinance.net

**Enterprise Networking Solutions, Inc.**  
www.ens-inc.com

**Meyers Nave**  
www.meyersnave.com

**Special District Risk Management Authority**  
www.sdrma.org

### Gold level

**Burke, Williams & Sorensen, LLP**  
www.bwslaw.com

**CPS HR Consulting**  
www.cps.ca.gov

**PARS**  
www.pars.org

CONTACT US!

For more information about all CSDA Business Affiliates, see the Buyer's Guide at csda.net. To learn more about becoming a CSDA Business Affiliate or participating at a higher level, contact our office at 877.924.2732.





# MOVERS & SHAKERS

## MOVERS AND SHAKERS

Does your district have an individual recently appointed as general manager or a top staff position? Have you recently elected a new board president? Have any district personnel been appointed to other community boards or positions? Email your district's movers and shakers to Nicole Dunn, communication specialist, at [Nicoled@csda.net](mailto:Nicoled@csda.net) and we will include them in our next issue!

The nonprofit Save Our Heritage Organization honored **Vista Irrigation District** and **General Manager Roy Coox** with the Preservationist of the Year Award for their work restoring the Warner-Carrillo Ranch House, a national historic landmark on acreage owned by the district.

Los Osos Community Services District welcomes **Susan Morrow** as general manager. Morrow takes the position following resignation of former general manager Dan Gilmore in January.

North Coast County Water District welcomes **Cari Lemke** as general manager. Lemke has been with the district for years and previously held the position of assistant general manager.

**Central Contra Costa Sanitary District** won two awards for its safety program from the California Water Environment Association (CWEA) and the Water Environment Foundation (WEF). The first award, from CWEA, was the Large Plant Safety Award for the district's comprehensive safety training program. The second award, from WEF, was the Annual George W. Burke, Jr. Award, which recognizes a wastewater facility for maintaining an active and effective safety program and an outstanding safety record for the year.

East Bay Regional Park District welcomes **Anne Scheer** as chief of park operations. Scheer replaces outgoing chief, **Jeff Wilson**, who is retiring after over 30 years with the district.

Cucamonga Valley Water District introduces long-term employees to new executive positions. **Jo Lynne Russo-Pereyra**, with the district since 1997, now serves as assistant general manager. **Carrie Corder**, with the district since 2001, serves as chief financial officer. And **John Bosler**, with the district since 2004, now serves in the new position of chief operations officer.



*Richard Price*

The San Ramon Valley Times recognized Fire Chief **Richard Price**, with San Ramon Valley Fire Protection District, as Citizen of the Year. Price was honored for his commitment to public service and citizen-helping-citizen outreach with the PulsePoint foundation and CPR mobile app.

**Mesa Consolidated Water District** has been awarded a PROTOS award by the Orange County Chapter of the Public Relations Society of America. The recognition was for outstanding achievement in the Community Relations/Institutional Programs category for the district's 2011 campaign, "Hello: My Name is Mesa Water."

Advocates for Lifestyle of Exercise and Nutrition in Ventura County presented **Camarillo Health Care District** with a Health Champion Award for its role as a community partner with the Ventura County Chronic Disease Prevention Coalition. The coalition work to increase access to chronic-disease management services in the area.

**Tom Mulvihill**, general manager of the Indian Wells Valley Water District (IWVWD) has retired. The new general manager, **Donald M. Zdeba**, brings 24 years of water-related experience to the district. IWVWD also welcomes **Don. J. McKernan** to its board of directors. McKernan fills the seat vacated by Harold Manning. McKernan previously served on the IWVWD Board of Directors from 1973-2004.

## Martinez wins approval of Alhambra Valley annexation, but opponents will try to force vote

By Lisa P. White *Contra Costa Times Contra Costa Times*  
Posted:

Thursday, September 13, 2012

ContraCostaTimes.com

MARTINEZ -- The county agency that regulates local government boundary changes on Wednesday approved the city's bid to annex part of the Alhambra Valley, but opponents vowed to force a vote.

The Local Agency Formation Commission approved Martinez's annexation of 104 parcels -- 316 acres -- in the Stonehurst, Alhambra Valley Ranch, Deer Creek and Valley Orchard subdivisions. The annexation area also includes four parcels that sit outside those subdivisions. Supervisor Federal Glover, who represents Martinez, voted no.

Opponents can force a vote if 25 percent of the registered voters or landowners in the proposed annexation area file a written protest with LAFCO, which will hold a protest hearing in the next 35 days. It's unclear at this point how many people must file a protest to trigger an election. Homeowners whose properties are bound by existing agreements to one day join Martinez can't file a protest.

Cathe Cracknell, whose house on Valley Orchard Court is in the annexation area, said a new group called Protect Our Right to Protest will work to line up enough challengers.

"There is an uprising occurring," Cracknell said. "That's all we want, we just want to vote."

Opponents believe annexation will ruin the valley's rural character and lead to poorly maintained roads and slower police response times. Valley residents who are annexed also must help repay a \$30 million parks bond Martinez voters passed in 2008.

City leaders originally proposed annexing 139 parcels across nearly 400 acres in the valley, the semirural area south of Martinez. Facing a likely referendum, the council last month reduced the area so it primarily includes properties bound by deferred annexation agreements.

When Stonehurst and Alhambra Valley Ranch were built in the 1980s, the deeds included a stipulation that the houses eventually would become part of Martinez. According to the city, property owners or developers of the other subdivisions also signed deferred annexation agreements in exchange for water service from the city. Martinez staffers say the city has 99 signed agreements, but opponents have disputed that number.

According to LAFCO attorney Sharon Anderson, the state attorney general's office says deferred annexation agreements are legal and run with the land. To determine whether residents are eligible to file a protest, LAFCO staff will verify the date the deferred annexation agreement was recorded with the county and whether the homeowner bought the property after that date.

LAFCO commissioners rejected several alternatives to the city's revised annexation area, including adding seven parcels along Vaca Creek Way and Vaca Creek Road. The approved annexation boundary runs down the middle of Vaca Creek Way -- meaning three houses now are in Martinez, while two remain in the county.

At the meeting Wednesday, LAFCO commissioners wrestled with the fact that although Alhambra Valley residents don't want to join the city, LAFCO has urged Martinez to annex those areas where it provides water service.

"The last thing the city needs is an angry subset of the community," said Commissioner Don Blubaugh, a former Martinez city manager. "In reality, Martinez is doing what LAFCO and the law has encouraged them to do."

Lisa P. White covers Martinez and Pleasant Hill. Contact her at 925-943-8011. Follow her at [Twitter.com/lisa\\_p\\_white](https://twitter.com/lisa_p_white).

## Martinez Patch, **September 13, 2012**

### **The Annexation Game - Martinez Is Having Serious Growing Pains**

After losing the North Pacheco election and scaling back the Alhambra Valley bid, city officials must be getting the sense no one loves them.

- By [Jim Caroompas](#)

[Upload Photos and Videos](#)

Martinez City Hall has had its eye on the Alhambra Valley for many, many years now. It's a prestigious community with a lot of wealth and power. Its rural, even pastoral landscape is something the city would be proud to claim for its own.

Yesterday (Wednesday, Sept. 12), the county agency charged with determining local boundaries handed the city a small, and possibly temporary, victory in its bid to annex at least a portion of the valley. [The Local Area Formation Commission \(LAFCO\) voted to approve the city's amended request to annex four subdivisions in the valley \(Stonehurst, Alhambra Valley Ranch, Deer Creek and Valley Orchard\) for a total of 316 acres.](#) The original request to annex 400 acres fell through after the city apparently misplaced, or failed to locate, some deferred annexation agreements (DAAs).

And what are those, exactly? In exchange for providing city water to the valley residents, including those of the then-new subdivisions, they had the homeowners or developers, as the case may be, sign agreements saying that they would at some point in the future agree to be annexed into the city. Part of the agreement was that they would not be able to vote against annexation. State law says that if 25 percent of the homeowners or residents of an area protest a proposed annexation, it will go to a vote, and a simple majority will win. Unless they have signed an agreement not to vote.

In this instance, many valley residents are saying they never signed such an agreement, and were never made aware of one by their title company or realtor. But LAFCO commissioner Mary Piepho advised them Wednesday that state law now requires municipalities to provide services only to those within its boundaries, and the city could legally turn off their water service should they decide not to be annexed. LAFCO commissioner and Martinez mayor Rob Schroder quickly assured the audience that the city would not consider turning off their water.

Though LAFCO approved the city's reduced annexation request, a protest hearing can be held within 35 days of the decision, and it is a solid bet that such a hearing will be requested, since the vast majority of valley residents strongly oppose annexation, fearing that city policies will ultimately reverse their pastoral paradise.

[Meanwhile, the city's bid to annex a portion of North Pacheco also fell through last month, by one vote.](#) The reasons for that annexation were all business - it was felt that the commercial development potential of the properties being annexed would ultimately be good for the city.

But the residents there - all 79 who voted - decided by 40 to 39 that the city would not give them a better deal than the county. There were concerns from some Martinez residents that the tax revenue received from the new properties would not be enough to cover the costs of expanded city services.

Both of these annexations would have been big wins for the council, all of whom are still reeling from the state's death blow to redevelopment, the one thing everyone on this council supported, and the one shining hope they all had for the future of downtown. With various big-ticket items like the deteriorating marina, a sluggish local economy and stalled developments hanging over their heads and two seats coming up for election, the loss of these two annexation bids cannot feel very good.

It must feel like the kid in the school yard no one wants to play with.

**Related Topics:** [Alhambra Valley](#), [Annexation](#), and [North Pacheco](#)

Editor [Jim Caroompas](#) [jim.caroompas@patch.com](mailto:jim.caroompas@patch.com)

779 [Patch Newsletter](#) [Nearby](#) [Join](#) [Sign In](#)

**MartinezPatch** 84°

[Home](#) [News](#) [Events](#) [Directory](#) [Pics & Clips](#) [Elections](#) [Real Estate](#) [More Stuff](#)

[Government](#)

# The Annexation Game - Martinez Is Having Serious Growing Pains

After losing the North Pacheco election and scaling back the Alhambra Valley bid, city officials must be getting the sense no one loves them.

By [Jim Caroompas](#) | [Email the author](#) | September 13, 2012

Recommend 5 Tweet 1 Email Print 2 Comments

Related Topics: [Alhambra Valley](#), [Annexation](#), and [North Pacheco](#)



Martinez City Hall has had its eye on the Alhambra Valley for many, many years now. It's a prestigious community with a lot of wealth and power. Its rural, even pastoral landscape is something the city would be proud to claim for its own.

Yesterday (Wednesday, Sept. 12), the county agency charged with determining local boundaries handed the city a small, and possibly temporary, victory in its bid to annex at least a portion of the valley. [The Local Area Formation Commission \(LAFCO\) voted to approve the city's amended request to annex four subdivisions in the valley \(Stonehurst, Alhambra Valley Ranch, Deer Creek and Valley Orchard\) for a total of 316 acres.](#) The original request to annex 400 acres fell through after the city apparently misplaced, or failed to locate, some deferred annexation agreements (DAAs).

And what are those, exactly? In exchange for providing city water to the valley residents, including those of the then-new subdivisions, they had the homeowners or developers, as the case may be, sign agreements saying that they would at some point in the future agree to be annexed into the city. Part of the agreement was that they would not be able to vote against annexation. State law says that if 25 percent of the homeowners or residents of an area protest a proposed annexation, it will go to a vote, and a simple majority will win. Unless they have signed an agreement not to vote.

In this instance, many valley residents are saying they never signed such an agreement, and were never made aware of one by their title company or realtor. But LAFCO commissioner Mary Piepho advised them Wednesday that state law now requires municipalities to provide services only to those within its boundaries, and the city could legally turn off their water service should they decide not to be annexed. LAFCO commissioner and Martinez mayor Rob Schroder quickly assured the audience that the city would not consider turning off their water.

Though LAFCO approved the city's reduced annexation request, a protest hearing can be held within 35 days of the decision, and it is a solid bet that such a hearing will be requested, since the vast majority of valley residents strongly oppose annexation, fearing that city policies will ultimately reverse their pastoral paradise.

[Meanwhile, the city's bid to annex a portion of North Pacheco also fell through last month, by one vote.](#) The reasons for that annexation were all business - it was felt that the commercial development potential of the properties being annexed would ultimately be good for the city.

But the residents there - all 79 who voted - decided by 40 to 39 that the city would not (

[Close](#)

two annexation bids cannot feel very good.

It must feel like the kid in the school yard no one wants to play with.

Email me updates about this story.

Enter your email address

Keep me posted

Recommend 5

Tweet 1

Email

Print

Follow comments

Submit tip

2 Comments

Chris Niewiarowski

Flag as inappropriate

9:17 am on Thursday, September 13, 2012

As one of the Alhambra Valley residents, I really don't want this to go through.

Reply



Bill Wainwright

Flag as inappropriate

11:50 pm on Thursday, September 13, 2012

Some flagrantly specious arguments were used to try to convince residents in the targeted areas that annexation to Martinez would be good for them. We all know about the false statements made that Pacheco annexation area residents must now wait long minutes for Sheriff's patrols in east county to drive half way across the county when they call for help.

Equally specious were arguments used to entice Alhambra Valley residents, such as the pollyanna vision of creating a unified community where Alhambra Valley children going to schools in Martinez would be able to live in the same town as their schoolmates.

Tell that to Pleasant Hill and to those many Martinez residents whose children go to schools in the Mt. Diablo Unified School District. Is our City suggesting that Pleasant Hill annex such areas so those kids could all reside in the same town? Come to think of it, there might be more support among Martinez residents for a Pleasant Hill annexation of parts of Martinez than the response our City has gotten for its Pacheco and Alhambra Valley exertions.

Reply

Leave a comment

Empty text input field for leaving a comment.

Submit

**UNIVERSAL TECHNICAL INSTITUTE**

**YOUR TRAINING STARTS HERE**

Oscar Silos, UTI Diesel Graduate

**START HERE**

READ MORE IN GOVERNMENT

[Slain Libya Ambassador Was Raised in NorCal](#)

Close

## Orinda residents, Moraga-Orinda Fire District clash over highly critical report

By Jennifer Modenessi *Contra Costa Times Contra Costa Times*  
Posted:

Thursday, September 20, 2012  
ContraCostaTimes.com

ORINDA -- A debate between local residents and the Moraga-Orinda Fire District over emergency services has reignited following claims of less-than-optimal response times, shaky finances, massive unfunded liabilities and other problems detailed in a 90-page audit blasting the district.

The report -- authored by nine Orinda residents who call themselves the Orinda Emergency Services Task Force -- says the district has significant financial problems. They include a nearly 40 percent failure rate in meeting standard response times for critical emergencies in Orinda; an overpayment of about \$1 million for the city's share of service; and the accrual of more than \$700 million in future unfunded liabilities, including pension obligation bonds and medical insurance for retired employees in the 15 years since the district was formed.

According to the group's calculations, the district currently has \$120 million in assets to pay for those liabilities and under current assumptions could only cover about \$300 million of future employee benefits.

The entire report can be found on the group's website at [www.OrindaTaskForce.org](http://www.OrindaTaskForce.org).

At a meeting Tuesday, during which officials heard public comment but did not respond, task force member Diana Stephens suggested council members read the report and "take an active interest in how Orinda is being served in the area of emergency services."

She told council members that they need to work with the fire district to provide emergency services and asked them to consider forming a task force, committee or public safety commission to do so.

The task force audit report decries the lack of citizen oversight, including committees or commissions.

"Don't just ignore the issue or assume that someone else is going to take care of it," Stephens told the council. "There are serious issues currently being decided, and MOFD's service may further degrade if the city does not get involved."

Fire Chief Randy Bradley blasted the report, telling the council it is "full of hyperbole, false and inaccurate assumptions and creative accounting." He said the task force was trying to place improvements of roads and infrastructure before the community's needs for fire protection and emergency medical services and asserted the district is meeting expectations for urban service levels in an area with semirural housing densities.

Bradley also dismissed the group's claim that Orinda is overpaying for its fire services. He briefly addressed the unfunded liabilities issue, saying the district has been working on a draft plan to address all of those liabilities over 13 to 15 years and talked about potentially reducing other post-employee benefits, which include health care, life insurance and disability compensation.

This isn't the first time residents have taken the district to task. Some members of the group served on a city task force in 2008 exploring funding for infrastructure and road repairs. Known as the Revenue Enhancement Task Force, that group created a plan to reallocate property taxes going to the district and transfer some back to Orinda to fund infrastructure. However, that group disbanded, and some members formed Fire and Infrastructure Renewal, or FAIR. The new task force includes members of FAIR.

In an interview before Tuesday's meeting, Councilwoman Victoria Smith said the audit report should be presented to the fire district board once its two new directors take office in December. She said it's up to the new board to review the report "in the time frame and manner they determine."



This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: [www.reutersreprints.com](http://www.reutersreprints.com).

## Should bankrupt California cities disincorporate?

September 20, 2012 @ 10:07 pm

By Cate Long

California State Comptroller John Chiang said in a press conference yesterday in San Francisco that he expected more municipal bankruptcies in the Golden State. [Bloomberg](#)<sup>[1]</sup> has the details:

“We will start to see more bankruptcies, not necessarily because of pension issues,” Chiang said. “We need the state to participate in trying to prevent these bankruptcies.”

California cities that have hit their fiscal bottoms have been turning to the Chapter 9 municipal bankruptcy process. Recently, Stockton, Mammoth Lakes and San Bernardino voted to put themselves under the protection of a bankruptcy judge and shield themselves from new legal claims. Bankruptcy is a complex and expensive process. Fitch Ratings [said](#)<sup>[2]</sup> [in](#)<sup>[2]</sup> [a](#)<sup>[2]</sup> [recent](#)<sup>[2]</sup> [report](#)<sup>[2]</sup> [\(](#)<sup>[2]</sup> [page](#)<sup>[2]</sup> [5\)](#)<sup>[2]</sup> that the state of California offers no other intervention process for broke cities.

California has an effective mechanism to support school districts that experience financial distress, but provides no such assistance for cities. Many states have some form of intervention program that can help turn around financial decline by providing a control board, financial manager, or similar structure. In 2011, the state enacted Assembly Bill (AB) 506, which provides for a mediation process among localities and their stakeholders prior to bankruptcy.

Rather than preventing default and bankruptcy, AB 506 may have accelerated their occurrence. While state intervention is not factored into ratings unless the program is invoked and proven effective, Fitch believes credit deterioration can be forestalled for an entity in a state with an effective intervention program.

There is, in fact, another process in California law that Fitch and others might not be aware of. This is the process of disincorporation that has existed in California law for decades. [John](#)<sup>[3]</sup> [Knox](#)<sup>[3]</sup>, a law partner at Orrick, Herrington & Sutcliffe in San Francisco, [wrote](#)<sup>[4]</sup> [a](#)<sup>[4]</sup> [white paper](#)<sup>[4]</sup> [on](#)<sup>[4]</sup> [disincorporation](#)<sup>[4]</sup>. Here is some background from Knox's paper:

Seventeen cities have disincorporated in California's history, including the cities of Long Beach, Pismo Beach, and Stanton, each of which later reincorporated. However, since the creation of LAFCOs [local agency formation commissions] in 1963, only two cities have disincorporated – Cabazon in 1972 and Hornitos in 1973. Of these, only Cabazon's disincorporation went through the process prescribed by the Act; Hornitos was disincorporated by [legislative] statute.

### What happened in Cabazon?

Cabazon was a city of 613 residents in Riverside County incorporated in 1955. Following years of city-government turmoil related to the regulation of local gambling, including multiple recalls, resignations, and arrests of city council members, a group of citizens filed a disincorporation proposal with the local LAFCO.

The LAFCO held a hearing, approved the proposal without requiring any additional terms or conditions, and set the question for election. Residents of the city voted 192 to 131 in favor of disincorporation, and after a several-month delay because of a legal challenge to the election procedures, the city ceased existence in early 1972.

Following the disincorporation, Riverside County inherited Cabazon's assets and liabilities

and wound down its remaining affairs, including sale of the city's personal property and cancellation of its lease for various city buildings.

The county paid the city's outstanding debts with the remaining city funds, along with funds generated from property sales and debts owed to the city. Nearly ten years later, the former city's account still had a surplus.

The outcome of the disincorporation process was that the county inherited the financial assets and liabilities of the disincorporated city. And services previously provided by the city were provided by the county.

Knox's whitepaper addresses one of the biggest issues, public employee contracts, in the disincorporation process (page 4):

While a public employee may obtain a right protected by the contract clauses of the state and federal constitutions, as was the case in Sonoma County, such right does not include the "right to remain in an office or employment, or to the continuation of civil service status."

In short, public employees do not have a right to employment once the city they worked for has been dissolved. I'd imagine that the county absorbing the disincorporated city would want to retain employees, but they would have the freedom to decide the best course.

The affairs of the city have to be wound up and money – often through taxes – would have to be raised to pay off outstanding claims (page 4):

Prior to the effective date, public officers must turn over public property to the county board of supervisors, and the city council must turn over all city funds, as certified by the LAFCO or the county, to the county treasurer.

However, while the California Constitution does not allow a county to impose taxes directly under the Act, a LAFCO can require voter approval of such taxes as a condition of approving the disincorporation proposal in the first place.

I've left out a lot of the details, but they can all be found in Knox's excellent paper. Disincorporation is not a simple process, but in some cases it might be preferred over bankruptcy for its relative simplicity and sometimes lower cost. In some cases citizens could benefit from their services being absorbed by the county. California needs every option possible in its toolkit, and disincorporation may be a useful new addition.

*A line was removed in the second paragraph to reflect a correction made by Bloomberg to say that John Chiang pointed to recent financial distress in Jurupa Valley, Wildomar, Eastvale and Menifee in Riverside County. Chiang had been previously incorrectly quoted as saying he "expects further bankruptcies" in these cities.*

[1] Bloomberg: <http://www.bloomberg.com/news/2012-09-19/california-may-see-more-bankruptcies-chiang-says.html>

[2] said: [http://www.fitchratings.com/creditdesk/reports/report\\_frame.cfm?rpt\\_id=686358](http://www.fitchratings.com/creditdesk/reports/report_frame.cfm?rpt_id=686358)

[3] John: <http://www.linkedin.com/pub/john-knox/6/548/b38>

[4] wrote: [http://www.calafco.org/docs/Municipal\\_Disincorporation\\_in\\_California-Knox.pdf](http://www.calafco.org/docs/Municipal_Disincorporation_in_California-Knox.pdf)

© Thomson Reuters 2011. All rights reserved. Users may download and print extracts of content from this website for their own personal and non-commercial use only. Republication or redistribution of Thomson Reuters content, including by framing or similar means, is expressly prohibited without the prior written consent of Thomson Reuters. Thomson Reuters and its logo are registered trademarks or trademarks of the Thomson Reuters group of companies around the world.

Thomson Reuters journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.

This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to colleagues, clients or customers, use the Reprints tool at the top of any article or visit: [www.reutersreprints.com](http://www.reutersreprints.com).

## Oakley council appoints three new faces to fire board

By Rowena Coetsee *Contra Costa Times San Jose Mercury News*

Posted:

Friday, September 21, 2012

ContraCostaTimes.com

Oakley's city council has appointed three new faces to far East County's fire district board.

Oakley residents Kevin Bouillon, Ronald Johansen and Jonathan Michaelson will replace council members Pat Anderson, Jim Frazier and Mayor Kevin Romick to represent the city on East Contra Costa Fire District's board of directors.

The nine-person board also includes four directors from Brentwood and two from some of the unincorporated communities the agency serves.

Bouillon and Johansen will take over from Anderson and Frazier on Oct. 1; Michaelson is to replace Romick on April 1. They all will serve two-year terms.

Although the county Board of Supervisors originally ran the fire district, the balance of power shifted when the county, Oakley and Brentwood -- the two cities in the fire district -- agreed in 2009 to more local control.

The city councils appointed some of their own members to represent them on the nine-person fire board while county supervisors named two people from the fire district's unincorporated areas.

But even back then the long-range goal was to have residents directly elect those on the fire board.

Directors decided after a proposed parcel tax failed in June that the financially strapped district couldn't afford the cost of an election, however, so those from Oakley and Brentwood asked their respective city councils to solicit replacements for them instead.

All three of the applicants Oakley council members chose have professional firefighting experience.

Johansen teaches fire and emergency medical services technologies at Las Positas College in Livermore and has worked in fire protection for 37 years.

Bouillon is a fire captain at Travis Air Force Base in Fairfield and has 26 years' experience in firefighting, much of it in management roles.

And Michaelson, who brings 25 years' experience to the board, is a firefighter and paramedic for the San Ramon Valley Fire District.

He also trains and supervises first-aid personnel at Six Flags Discovery Kingdom in Vallejo, and runs a business offering classes and certificates in cardiopulmonary resuscitation.

Brentwood's city council plans to interview applicants in mid-November; the two or three it chooses will take their seats early next year.

Contact Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).

## **Pinole assistant city manager departs for Antioch**

*By Tom Lochner Contra Costa Times Contra Costa Times*

*Posted:*

ContraCostaTimes.com

---

PINOLE -- Pinole's assistant city manager, Michelle Fitzer, is leaving to take on the job of administrative services director in Antioch.

Thursday was Fitzer's last day at Pinole City Hall. She will begin in Antioch on Oct. 1.

Fitzer also wore the hat of human resources director. In her six years in Pinole, she was known as a hard worker who handled her multiple tasks with savvy and aplomb as the city grappled with a daunting and protracted financial crisis.

Pinole City Council members this week thanked and praised Fitzer while expressing regret over her departure.

Contact Tom Lochner at 510-262-2760. Follow him at [twitter.com/tomlochner](https://twitter.com/tomlochner)

# Barnidge: Beware the consequences if Contra Costa County fire tax fails

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: 09/21/2012 07:05:37 PM PDT

Updated: 09/23/2012 02:18:09 PM PDT

Because taxes are as popular as bedbugs, it's no surprise the Contra Costa County Fire District parcel tax measure has been under attack since it was proposed. Critics want the district to find another way to balance its books. But, just wondering, have you noticed how little is being asked and how much is at stake?

If passed, the measure would cost each property owner \$75 per year, which works out to a whopping \$1.44 per week. With that windfall, you could buy a cup of coffee every Monday morning -- as long as you got it at McDonald's, not Starbucks.

If it fails, seven of the district's 28 fire stations will close, 80 of its 264 firefighters will be laid off, emergency services will be compromised and homeowner insurance premiums will go up.

It's obvious the opposition isn't grounded in risk-reward rationale.

Something deeper is at work, beginning with disdain for cushy firefighter benefits the public feels have caused budget problems. A "no" vote is meant to send a message, apparently regardless of consequence.

People wonder why the district can't live within its means. One answer is that its means aren't nearly what they were. When property tax bills shriveled like a plum in a sauna -- you've noticed you're paying less, right? -- so did the amount we paid for fire protection.

But we still expected the same service. Try getting that deal from PG&E.

No one wants another tax, and firefighters hardly need me to defend them. But think about what a "no" vote puts at risk: emergency medical service, vehicle accident calls, confined-space extrications, swift-water rescues, hazardous materials control, terrorism preparedness, building inspections, firefighting and, yes, response time.

The district is already thinly staffed. Fire Chief Daryl Louder would need to more than double his staffing to hit the industry standard of one firefighter per 1,000 residents. Still, some question why so many firefighters.

How about leaving medical calls to contracted emergency medical units? Louder explains that firefighters can respond more quickly when seconds count because of their widely dispersed

stations. When a recent call came in for a stroke victim in Lafayette, firefighters were treating the victim eight minutes before an American Medical Response team arrived. While the AMR unit was then occupied delivering its patient to the hospital, filing reports, cleaning and restocking its ambulance, the fire engine company was ready for its next call, fire or medical. Does it make sense to forgo that availability?

Some people question why 28 stations are required. Let Louder explain: "Our military's defense doctrine says it has to be prepared to fight multiple serious conflicts simultaneously. We're pretty much the same. We don't know when the next second- or third-alarm fire will come along, which could take 10 or 15 units."

Critics point out that less than 5 percent of district calls are for fires; more than 80 percent are medical. Fire Marshal Lewis Broschard said that's misleading, because a typical medical call requires one engine (three firefighters) for less than 20 minutes. A working fire takes five trucks (15 firefighters), for five or six times as long. District firefighters spend plenty of time lugging hoses. They average more than 500 structure fires a year.

Louder speaks with pride of his units. He said they do a lot with limited resources, but he fears a parcel tax defeat will push them beyond the brink.

"Once you pull that trigger," he said, "we're in for a tough ride. That scares me for the public, and it scares me for our firefighters."

The choice is yours. I'm willing to skip the cup of coffee.

Contact Tom Barnidge at [tbarnidge@bayareanewsgroup.com](mailto:tbarnidge@bayareanewsgroup.com).

# Barnidge: Readers have a slightly different opinion of fire parcel tax

[By Tom Barnidge Contra Costa Times Columnist](#)

Posted: 09/24/2012 12:20:35 PM PDT

Updated: 09/25/2012 05:15:18 AM PDT

A lot of people think journalists ply their trade for the incredible fame and lavish salaries that come with the job. Well, sure, a lot of that is true.

Just the other day, I was recognized while buying some deodorant at the drugstore, and surely you don't think I'd be driving a 2002 Buick if I had settled for being a lawyer.

In truth, though, the greatest satisfaction comes from warm interactions with readers in online comments and emails. Just this week, for instance, several of them took time to share their heartfelt sentiments.

Their correspondence came after I wrote in support of Measure Q, a proposed parcel tax intended to keep the Contra Costa County Fire Protection District's 264 firefighters on the job and its 28 stations open. I explained that the \$75 annual fee works out to \$1.44 a week, or roughly the cost of a cup of coffee.

Some of them gently differed from my position.

"Barnidge your article is a joke just like you. The cup of coffee comparison is just ridiculous. The property tax has just went up with a bond for the school for 100 million that they put in solar roofing. The solar panels that were installed were made in China."

I'm always gratified when readers come so close to spelling my name correctly and nearly get their facts right. Not to quibble, but Mt. Diablo school district's Measure C bond issue in 2010 was for \$348 million, about \$80 million of which went for solar panels that were purchased from SunPower, a company that's based in San Jose.

"I respectfully disagree. The problem is that instead of fixing the problem, which is ever growing entitlements, benefits and pensions, we keep being asked to toss more money down the drain to the feed the beast."

My favorite kind of disagreement is a respectful one. Maybe you can talk to the first guy.

"Your column misses the point. The district offers the public two choices: Pay more or receive reduced services. And yet there are an infinite number of alternative choices."

I may have missed your point, but I'm pretty sure I hit mine. When you go to the polling place on Nov. 6, I can just about guarantee that none of those infinite other choices -- which is a really big number, by the way -- will be among the options listed on your ballot.

"The question is not the extra buck forty-seven a week. If it were only that easy it would be a no-brainer. The real question is what are they going to do to correct the pension and salary problem so they won't be back next year for more money."

Actually, it's only \$1.44. So you're already three cents better off than you thought. And the tax measure would extend for seven years, not one. So a better question is what are they going to do in eight years. If you really want to know, you can inspect the district's 10-year budget projections at [www.cccfpd.org/ParcelTaxInitiative.php](http://www.cccfpd.org/ParcelTaxInitiative.php). Bring your visor and your calculator.

"The fire dept can cut staff, salaries and learn to do more with less just like everyone else. ... I have fire insurance and could care less if they close down all the firehouses."

I have auto insurance. Maybe we should do away with the traffic cops, too.

"Give us a break. ... fire fighters are overpaid and underutilized."

Yep, right up until the time smoke pours out your window and you pick up the phone to dial 911.

Share your deep thoughts and well wishes with Tom Barnidge at [tbarnidge@bayareanewsgroup.com](mailto:tbarnidge@bayareanewsgroup.com). Follow him at [Twitter.com/tombarnidge](https://twitter.com/tombarnidge).

MORAGA-ORINDA

## Fire district's finances worsen

Tuesday, September 25, 2012  
Contra Costa Times

Expenses are rising as revenue remains flat; shortfall is \$800,000

By Jennifer Modenessi

[jmodenessi@bayareanewsgroup.com](mailto:jmodenessi@bayareanewsgroup.com)

MORAGA — Rising pension costs and other expenses coupled with stagnant revenue have helped push the Moraga-Orinda Fire District's yearly budget deeper into the red.

Trustees last week approved the district's final 2012-13 general fund budget, which includes a shortfall of more than \$800,000 despite a tiny spike in property tax revenue and a rebate of more than \$200,000 from the county.

They also greenlighted the district's capital projects fund, which includes expenses of more than \$2.3 million to rebuild Station 43 in Orinda and remodel Station 41 in Moraga.

Fire chief Randy Bradley told directors at the Sept. 19 board meeting that administrators are doing their best to maintain service despite a less-than-ideal financial picture. "We continue to struggle to balance the budget without reducing service levels," he said.

The district started the year's budgeting process with a \$258,313 deficit carried over from the previous year after the board voted to balance the 2011-12 budget by dipping into reserves.

This year, they've budgeted a \$549,916 increase in pension contributions to the Contra Costa County Employee Retirement Association, which manages the fire district's post-employment benefits, and a \$115,000 payment toward pension obligation bonds.

But the district's biggest expenses remain salaries and benefits, projected to cost nearly \$14.3 million for 2012-13 — up almost 2 percent from last year. That figure reflects increases in retirement costs, according to district data.

"Our budget is primarily salaries," the fire chief told directors before focusing on revenues, which include about \$80,000 in property tax money.

Revenue also includes a onetime \$226,311 credit from the county deriving from an appeals court ruling that requires Chevron to pay more than \$27 million in additional property taxes.

That money is being credited to some cities and special districts.

The chief also listed capital expenses, including station construction costs, \$32,000 for a new fire prevention vehicle and \$49,000 in tech upgrades.

Directors spent little time discussing the budget, explaining they had gone over it in detail during draft sessions and noted that the deficit was less than had been previously projected. Then they turned their attention to the district's draft long-range financial forecast, which maps out the next five years.

Bradley has said the plan will help the district address its unfunded liabilities but is not sharing details because of ongoing contract negotiations with firefighters.

The district has come under fire for its future unfunded liabilities, which some residents have estimated at about \$700 million. Critics, some of whom question the veracity of the district's financials in general, recently authored a 90-page audit of the fire district, and at least one is questioning whether administrators should be budgeting more money to pay for this year's increased pension costs — and cutting down on expenses such as fire station construction.

Bradley did not directly address the report, but following a resident's prompting, trustees asked him to come back with an analysis of any new information.

## **Pittsburg planning commission gives go-ahead for new pool at Ambrose Park**

*By Eve Mitchell Contra Costa Times Contra Costa Times*  
*Posted:*

Friday, September 28, 2012  
ContraCostaTimes.com

PITTSBURG -- Long-delayed efforts to replace the closed pool at Ambrose Park took a major step forward when city planning commissioners signed off on a design plan.

Planning commissioners voted 6-0 Tuesday to give the go-ahead to the plan, which the City Council will now review at its Oct. 15 meeting.

Technically, Ambrose Park, which is near Highway 4 and Bailey Road, is within Pittsburg city limits as a result of land that the city annexed in 2008. But Ambrose Park is within the jurisdiction of the Ambrose Recreation and Park District, which serves Bay Point residents. The city is acting as the project manager for the pool project while the district has final approvals.

The plan approved by commissioners calls for the old eight-lane lap pool to be replaced with a large children's activity "splash pool" that would be irregularly shaped with a maximum depth of 18 inches. Designs also call for restrooms, a snack stand, and a pool equipment building.

Several Bay Point residents pleaded with commissioners to consider building an eight-lane competitive swimming pool instead of the splash pool.

"I hope it will be competitive pool (so) the whole community can come and enjoy the pool and that it's not just a splash pool," said Vicki Zumwalt, a member of the Bay Point Municipal Advisory Council.

"I think it makes much more sense to do the big pool first, then you could do the splash pool," said Debra Mason, who is also on the council.

Funding limitations make it very difficult to build an eight-lane lap pool, said Tarry Smith, the park district's general manager, adding they are both expensive to build and to operate.

He estimated it would cost about \$200,000 to build the three-lane lap pool and \$500,000 to build an eight-lane lap pool. "The (splash) pool is a huge revenue source," Smith said.

If more funding becomes available or the bid for the splash pool comes in lower than expected, it's possible a three-lane, 25-yard lap pool with a depth of three-and-a-half feet could be added later, Smith said.

Commissioner David Fogleman noted that Bay Point is not a wealthy community and that its schools do not have swim teams that would be able to use a competitive lap pool. A.J. Fardella, chair of the planning commission, said he could see a lot of local day care centers paying to use the splash pool.

The old pool was closed in 2008 for safety reasons, which included problems with its drainage system, and to make other improvements.

The Ambrose pool replacement project is estimated to cost \$2.3 million. Project funding comes from \$1.13 million from the East Bay Regional Park District's Measure WW, a voter-approved bond measure; \$600,000 in park fees paid by city developers; \$98,000 from the district; and \$473,000 in county developer fees. The county fees were turned over to the district from a lawsuit settlement to help the district pay for the new pool.

If all goes according to plan and the necessary approvals for the project are obtained, the new pool could be open in July.

Before the meeting, Tarry said, "We feel like we have enough for the (splash) pool. That's the one that will serve the small kids and parents and is the least expensive to operate and brings in the most revenue."

He also noted that Buchanan Park in Pittsburg has a lap pool. "Buchanan is not that far away," he said.

Reach Eve Mitchell at 925-779-7189. Follow her on [Twitter.com/EastCounty\\_Girl](https://twitter.com/EastCounty_Girl).

## East Contra Costa fire district recruiting firefighters with help from grant

By Rowena Coetsee [rcoetsee@bayareanewsgroup.com](mailto:rcoetsee@bayareanewsgroup.com) Contra Costa Times

Posted:

Wednesday, October 3, 2012  
ContraCostaTimes.com

OAKLEY -- East Contra Costa Fire Protection District has notified laid-off firefighters around the state that it's hiring, and soon it will start recruiting from the public at large.

A \$7.8 million federal grant is enabling the agency not only to start filling the 15 positions that it was forced to eliminate in July following the failure of a proposed parcel tax, but hire an additional 12 firefighters as well.

The fire district also closed three of its six remaining stations July 1, but the two-year grant it since has learned it will be receiving will make it possible to reopen them.

Of the 15 firefighters who lost their jobs, eight have indicated they want to return, Fire Chief Hugh Henderson told the board of directors Monday. At least six others already have found work with other agencies.

In an effort to rebuild the ranks of first responders, Henderson said he's sent out about 150 letters to individuals on a statewide list of firefighters who have lost their jobs

The district also has contacted the small group of paid on-call firefighters it sidelined, offering these part-time reservists the chance to apply for full-time status.

Henderson hopes to expand his search to the general public in the next few days, collecting the names of potential applicants who, at the very least, have graduated from a firefighting academy and hold an emergency medical technician certificate. The district would turn to this pool of eligible employees if it can't fill all 27 openings using the first two search methods.

The first station to reopen will be the one in Knightsen, which is closest to Bethel Island and other spots in the northeastern part of the district where response times have been the longest since the station closures, Henderson said.

The facility, which will be staffed by nine firefighters, is expected to be back in operation by mid-November.

Although dispatchers received only 30 calls to the Bethel Island area in August and 23 the following month, the average response times were 13 minutes and 40 seconds and just over 14 minutes, respectively, he said.

Over the same period, there were many more calls from residents near the shuttered station in downtown Brentwood -- the next one that will open sometime in December -- but it took fire trucks an average of 8 minutes and 40 seconds at most to arrive, he said.

Henderson thought it unlikely that Bethel Island's fire station will reopen considering that it could cost as much as \$1 million to refurbish. The district's insurance carrier not only condemned the structure after asbestos and mold were found there, but the building doesn't meet current flood control standards.

However, Henderson noted that Shea Homes eventually might build a replacement. One of the conditions of approval that the city of Oakley placed on the company was that it provide residents with a fire house once it has built 600 homes in its Summer Lake development, Henderson said. So far it has built roughly half that

number, he said.

On the heels of Henderson's update, Director Bob Kenny asked his colleagues to consider giving themselves a stipend for their work on the board.

"I just feel we would have a better demographic on our board if we made it more attractive by offering some compensation," he said, noting that a single parent, for example, might be more likely to apply for the position.

Other fire districts in the county pay their boards a stipend -- directors of San Ramon Valley Fire District receive \$105 per meeting, Kenny added.

But the compensation doesn't have to be much, and directors always could choose to give the money to charity or back to the district, he said.

Recently appointed board member Ronald Johansen disagreed with Kenny's idea, however.

He vied for a spot on the board because he's concerned about East Contra Costa Fire's financial future, he said.

In light of how hard the agency has struggled to make ends meet, "I personally cannot say I would be willing to accept any compensation," Johansen said. "It sends the wrong message to our community."

Brentwood resident and City Council candidate Carissa Pillow rejected Kenny's proposal more forcefully.

"It's absolutely inappropriate to ask for compensation," she said. "This is a volunteer position. If you don't have the heart of a volunteer, I recommend you step down."

Kenny reiterated that keeping the stipend would be optional and pointed out that whereas some board members receive income from jobs, "some of us who are retired and disabled don't."

In the end, the rest of the board agreed that it didn't want Henderson spending any time exploring the issue.

In other business, new board members Kevin Bouillon and Ronald Johansen were sworn in and board President Kevin Romick presented outgoing Director Jim Frazier with a plaque recognizing him for his service.

Director Pat Anderson, who also stepped off the board Monday, was absent.

Bouillon and Johansen will represent Oakley on the nine-member board for the next two years; new appointee Jonathan Michaelson is scheduled to replace Romick on April 1.

Reach Rowena Coetsee at 925-779-7141. Follow her at [Twitter.com/RowenaCoetsee](https://twitter.com/RowenaCoetsee).